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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 20th May 1959 :—

Issue No.	No. and date	Issued by	Subject
79	S.O. 1131, dated the 15th May 1959.	Ministry of Steel, Mines & Fuel.	Giving notice to acquire lands described therein.
80	S.O. 1176, dated the 20th May 1959.	Ministry of Information & Broadcasting.	Approval of the films specified in the schedule thereof.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—SECTION 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 20th May 1959

S.O. 1179.—In pursuance of Sub-Section (6) of section 116A of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the decision of the High Court of Judicature for the State of Punjab at Chandigarh given on the 16th April, 1959 on an appeal from the order dated the 3rd October, 1958, of the Election Tribunal Hoshiarpur.

IN THE COURT OF JUDICATURE FOR THE STATE OF PUNJAB AT
CHANDIGARH

CIVIL APPELLATE SIDE

FIRST APPEAL FROM ORDER NO. 193(E) OF 58

Pandit Ram Nath Kalia son of Pandit Ved Rishi, village Chintpurni, Police Station Amb, District Hoshiarpur (Punjab), a candidate at the election to Lok Sabha from Kangra Parliamentary Constituency—*Appellant*.

Versus

1. Shri Hem Raj, M.P., caste Sud, Village Dharamasala, District Kangra, and
2. Shri Daljit Singh, M. P., caste Harijan, Village Bhallari, P. O. Santokh Garh, Tahsil Una, District Hoshiarpur.—*Respondent*.

First appeal from the order of Sh. Manohar Singh Bakhshi, Member Election Tribunal, Hoshiarpur dated 3rd October, 1958, dismissing the petition with costs.

Petition under Section 100 of the Representation of the People Act (43 of 1951) calling in question the election to Lok Sabha from Kangra Parliamentary constituency.

Claim in appeal:—For reversal of the order of the Election Tribunal.

Dated the 16th April, 1959.

PRESENT:

Hon'ble Mr. Justice D. Falshaw,

AND

Hon'ble Mr. Justice Mehar Singh.

For the petitioner:—Mr. Muni Lal Kalia, Advocate.

For respondent No. 2:—Mr. Ganga Prashad, Advocate.

JUDGMENT

The Kangra Parliamentary Constituency is a double member constituency, one seat having been reserved for Scheduled Castes. This constituency, at the time of the last general elections in 1957, was called upon accordingly to return two members to the House of People (Lok Sabha). The notification was issued by the President on January, 19, 1957. The Election Commission according to section 30 of the Representation of the People Act, (Act No. 43) of 1951, issued notification for making nominations by January 29, 1957. The date of withdrawal of candidatures was fixed as February 4, 1957. The poll could not take place until after the expiry of the twentieth day from the date of withdrawal and so not before February 24, 1957. The poll was notified to commence on February 24, 1957, and close on March 14, 1957. Sub-section (2) of section 55A of the Act provides—

“55A(2). A contesting candidate may retire from the contest by a notice in the prescribed form which shall be delivered to the returning Officer between the hours of eleven O’Clock in the forenoon and 3 O’Clock in the afternoon of any day not later than ten days prior to the date or the first of the dates fixed for the poll under clause (d) of section 30 either by such candidate in person or by an agent authorised in this behalf in writing by such candidate.”

With the dates as notified as shown above a contesting candidate could retire from the contest ten days before February, 24, 1957.

However, probably due to the exigencies of weather the constituency being in Kangra district, the Election Commission issued a second notification whereby it notified that the poll in the constituency was to commence on June, 21, 1957, and close on June 30, 1957. A third notification followed whereunder the Election Commission again changed the dates of poll commencing on June 2, June 25, 1957. But even these dates could not be adhered to for all the polling stations in the constituency and as pointed out that was probably due to the exigencies of weather in the area. The Returning Officer postponed the poll in Spiti and Lahaul area to July 2, 1957, and in Bara Bengal to July 14, 1957.

Thus the last date for the withdrawal of candidatures under clause (c) of section 30 of the Act was February 4, 1957, and in the end of Election Commission

notified the poll to take place commencing on June 2 and closing on July 14, 1957.

Thus retirement by a contesting candidate could take place under section 55A (2) of the Act ten days prior to June 2, 1957, that is to say, on or before May 23, 1957.

There were nominated eight candidates for election from the constituency, of them three being for the reserved seat and the remaining five for the general seat. One of them, namely, Sohan Lal, withdrew his candidature under section 37 of the Act, leaving seven contesting candidates in the field. On May 18, 1957, one contesting candidate, namely, Rup Singh, retired under section 55A of the Act. There were left in the field for contest six candidates, of whom Hem Raj polled the highest number of votes for the general seat and Daljit Singh for the reserved seat. On July, 27, 1957, the result of the election was declared by the Returning Officer announcing the success of Hem Raj, respondent No. 1, from the general seat and Daljit Singh, respondent No. 2, from the reserved seat.

One of the contesting candidates was the appellant Ram Nath Kalia, who has questioned the election of the respondents in an election petition on various grounds including the ground that "the returning officer in utter disregard of the provisions of section 55A of the Representation of People Act, of 1951 failed to provide ballot-boxes for candidate Shri Rup Singh who had filed the notice of retirement from the contest but who had failed to serve a notice within time as prescribed under section 55A of the Representation of People Act. His notice in the prescribed form should have been delivered to the returning officer on any day not later than 10 days prior to the date or the first of the dates fixed the poll under clause (d) of section 30 of the Representation of the People Act, i.e., on or before the 14th February, 1957, and his failure to give this notice in time does not tantamount as retirement as so. Ballot-boxes should have been placed inside the polling compartment. This non-placement of the ballot-boxes has materially affected the result of this election, it being a breach of mandatory provision of the election law. This procedure completely invalidates the poll and makes the poll as no poll at all. The changes of the subsequent dates of pollings is no ground for disregarding the provisions of section 55A of the Representation of People Act, 1951." There are other grounds of attack taken in the petition and those will appear from the issues in the petition. The respondents have given denial to the allegation of corrupt practices alleged in the petition and have also said that the retirement of Rup Singh from the contest was a retirement.

The issues settled in the petition by the learned Tribunal are—

- “1. Whether the retirement of Shri Rup Singh candidate from the election contest was not valid?
2. Whether ballot-boxes for casting votes for Shri Rup Singh candidate were not placed by the returning officer and this omission has invalidated the whole election?
3. Whether the election symbol of Shri Shankar Singh candidate was changed after allotment without compliance with legal requirements; If so, what is its effect on the election in question?
4. Whether the returning officer had not published the list of candidates in the official gazette as provided in section 38 of the Representation of People Act, 1951, and this omission has vitiated the entire election?
5. Whether the ballot-boxes for the candidates were not placed in proper order and this had materially affected the result of the election so far as the petitioner is concerned?
6. Whether the supporters of the respondents had made Gian Chand to personate for his father-in-law Shobhi, and to vote for him; if so, to what effect?
7. Whether the respondents, or their agents and workers with their consent, had committed corrupt practices enumerated in paragraphs 10 to 11 of the election petition for the furtherance of their election prospects and whether these acts amount to corrupt practices?
8. To what relief, if any, is the petitioner entitled?”

The learned Tribunal found all the issues against the petitioner and dismissed the petition on October 3, 1958, with costs. This is an appeal by the petitioner.

The learned counsel for the appellant, although challenging the correctness of the findings of the learned Tribunal on each one of the seven issues in the petition in detail in the grounds of appeal, has confined his arguments, at the time of the hearing of the appeal, to two issues Nos. 1 and 2, only. He has not questioned the correctness and soundness of the conclusions of the learned Tribunal on issues Nos. 3 to 7. The only issues for consideration thus are Nos. 1 and 2. These two issues touch upon one and the same question, for if the retirement of Rup Singh candidate from the contest was in accordance with the provisions of section 55A of the Act, the second issue loses its importance, and if it was not so, the effect of non-compliance with that statutory provision is the scope of the second issue.

The learned Tribunal has, as already stated, found both the issues against the appellant and that is with reference to the provisions of section 153 of the Act which gives power to the Election Commission to extend time for completion of election. The argument by the learned counsel on behalf of the appellant in this respect is that section 30 of the Act lays down a rigid and closed schedule of dates, which must be adhered to, beginning with the notification of the President calling upon the constituency to elect a member or members and ending with the date, according to clause (e) of section 30 of the Act, before which the election shall be completed. The learned counsel says that the dates, and the intervals between the dates, as given in clauses (a) to (e) of that section, are so rigid and inelastic that after the dates have been duly announced a contesting candidate can only retire from the contest according to section 55A of the Act within those dates. The learned counsel seems to have overlooked that what sub-section (2) of section 55A of the Act provides is the retirement of a contesting candidate not later than ten days prior to the date of or the first of the dates fixed for the poll under clause (d) of section 30 of the Act. If the retirement is ten days prior to that date or the first of those dates, it is unexceptional. All that clause (d) of section 30 provides is that the poll shall not be taken on a date earlier than the twentieth day after the last date for the withdrawal of candidatures, and the matter of withdrawal of candidatures is referred to in clause (c) of the same section, but there is no more rigidity introduced in what is provided in clauses (c) and (d) of that section. After the withdrawals under clause (c) the only mandatory restriction is that the poll shall not take place earlier than the twentieth day after the last date for the withdrawal of candidatures, but it is obvious that "beyond the twentieth day it may take place on any date as may be notified by the Election Commission. Once the twentieth day is allowed to pass, subsequent to that, polling date may be notified by the Election Commission and as there is no further restriction that date may be changed or extended to any other date. This is specifically provided in section 153 of the Act, which says—

153. Extension of time for completion of election.

It shall be competent for the Election Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it under section 30 or sub-section (1) of section 39".

In the present case sub-section (1) of section 39 does not come in for consideration and the Election Commission did from time to time extend the time for completion of the election in this case as already explained. The withdrawal of candidatures having taken place under and in accordance with clause (c) of section 30, and the twentieth day from the date of such withdrawal having elapsed, any date settled by the Election Commission for poll after that or any change in that date, in accordance with section 153, is unquestionable under any provision of the Act. The learned counsel for the appellant has made an attempt to refer to some reports with regard to the matter of elections and has tried to argue that an election must be completed within a definitely specified period of time, but that is not so provided in section 30, or in any other section, of the Act, and any report or opinion in this connection expressing what is most expedient specified period of time, but that is not so provided in section 30, or in any other section, of the Act, and any report or opinion in this connection expressing what is most expedient and desirable in regard to elections has no statutory force and is a matter that cannot be taken into consideration in the decision of the question that is raised in the argument here. The poll in the constituency to which this case relates took place after the twentieth day from the

date of the withdrawal of candidatures according to clause (d) of section 30 of the Act. For a valid retirement by a contesting candidate under sub-section (2) of section 55A of the Act, all that he has to do is to retire ten days prior to the date or the first of the dates fixed for the poll under clause (d) of section 30 of the Act, and that, as already shown, was in fact done by Rup Singh. The retirement of Rup Singh as a candidate from the contest was thus in accordance with the provisions of section 55A (2) of the Act and it not being invalid or open to question, a ballot-box in the name of Rup Singh could not be placed with the other ballot-boxes at the time of the poll. The decision of the learned Tribunal on issue No. 1 is correct and the question of consideration of issue No. 2, therefore, does not arise in this case.

In consequence, the appeal fails and is dismissed, but, in the circumstances of the case, the parties are left to their own costs.

Sd/- MEHAR SINGH, Judge.

The 16th April 1959.

I agree.

Sd/- D. FALSHAW, Judge.

[No. 82/481/57.]

New Delhi, the 21st May 1959

S.O. 1180.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order pronounced on the 30th April, 1959 by the Election Tribunal, Shahjahanpur.

IN THE ELECTION TRIBUNAL, SHAHJAHANPUR

Before S. Khadim Ali, H. J. S. Member Tribunal,

ELECTION PETITION No. 472 OF 1957

Sri Darbari Lal Sharma—*Petitioner*.

Versus

Sri Bishan Chand Seth and another—*Respondents*.

JUDGMENT

This petition relates to the general seat of Shahjahanpur Parliamentary Constituency No. 315 which is a double member constituency and for which election was held in February-March, 1957. It was presented on 8th May 1957 and was received by the Tribunal on 11th July 1957. It was allowed to be amended first on 26th August 1957 before the written statement was filed and again on 4th November 1958 after recording of evidence had commenced on 25th September 1958.

The Petitioner Darbari Lal Sharma and the Respondent No. 1 Bishan Chand Seth were rival candidates for the general seat. Out of them Bishan Chand Seth was declared to be duly elected by the Returning Officer on 25th March, 1957. The Respondent No. 2 Sri Narain Din Valmiki has been declared elected for the reserved seat and is impleaded as Respondent No. 2.

The Petition was dismissed in limine on 18th November 1957 on account of the provision of section 117 of the Representation of People Act not being complied. That order was set aside by the Hon'ble High Court on 3rd April 1958 in Civil Misc. Writ No. 3377 of 1957 and the Petition was revived.

The Petitioner seeks to have the election of Bishan Chand Seth declared void and to have it set aside on the grounds alleged in para. 3 of the Petition which is supplemented by Schedules attached to it.

The Respondent No. 1 has contested the petition and denied all the alleged corrupt practices. He has further pleaded that, apart from the petition being liable to dismissal in limine on account of the provisions of Section 117 of the R.P. Act not having been complied, he has defeated the petitioner by overwhelming majority of 64230 votes in a fair and free election. The huge majority in his favour was due entirely to the unstinted selfless and humble services rendered by him during the past several years to all the people of the Constituency irrespective of caste, creed or religion. He and his agents took all reasonable precautions for preventing the commission of any corrupt practice at the election. He had issued printed instructions to all his agents, workers or supporters not to

contravene any of the provisions of the R.P. Act or indulge in any corrupt practices enumerated in section 123 of the R.P. Act. In spite of this any corrupt practice is proved in fact to have crept in during the election they must have been committed contrary to his orders and without the consent of himself or of his election agents. The result of election had not been materially affected by any of the corrupt practices. The petitioner was a complete stranger and had no services of any type to his credit in the constituency. He visited the constituency only during the last general elections to command its votes, banking mainly on the strength of a ticket of the ruling party, which from the point of view of power, resources and influence had not even a distant rival in the country. The Petition is barred by time in view of the amendments made on 26th August 1957 and 4th November, 1958.

The Respondent No. 2 did not enter appearance and the trial has proceeded *ex parte* against him.

The pleadings of the parties have given rise to the following issues:—

1. Is the petition or any part of it barred by time in view of the amendments made on 26th August, 1957 and 4th November 1958?

2. (a) Was there a systematic appeal to electors of Hindu community by Respondent No. 1, and his agents and other persons on his behalf and with his consent to vote for him on ground of religion and community and did the Respondent No. 1 make use of and appealed to religious symbols, as alleged in Para. 3(i) and particulars given in schedule 1 of the petition?

(b) Do the alleged facts amount to corrupt practice as laid down in Section 123(3) of the R.P. Act? And has the result of election been materially affected by the alleged voting and refraining from voting?

3. (a) Did the respondent No. 1, his workers and agents with his consent publish statements in relation to his candidature which were false as alleged in para. 3(ii) and schedule 2 of the Petition?

(b) Do the alleged facts constitute corrupt practice as laid down in Section 123(4) of the R.P. Act, and did they actually result in a large number of electors being misled and in not voting for the Petitioner?

4. Did the respondent No. 1 and his agents with his consent, hire and procure vehicles for the conveyance of the electors to the Polling stations and back as alleged in para. 3(iii) of the petition and details given in Schedule 3 of the List of Particulars, and thereby committed the corrupt practice as laid down in Section 123(5) of the R.P. Act?

5. (a) Did the Respondent No. 1, his agents or workers with his consent, ask the electors to cast one vote only and to give that vote to respondent No. 1 as alleged in Para. 3(v) of the petition and the particulars given in schedule 5?

(b) Did a large number of electors thereby fail to exercise their electoral right and a large number of votes were cancelled? Do the alleged facts amount to the corrupt practice of undue influence as laid down in Section 123(2) of the R.P. Act?

6. Did the respondent No. 1 incur or authorise expenditure in contravention of Section 77 of the R.P. Act 1951, as alleged in para. 3(vi) of the petition and details given in Schedule 6 and thus committed the corrupt practices under section 123(6) of the R.P. Act?

7. Did the respondent No. 1 through himself or through his agents and workers obtain assistance from persons in the service of Government as alleged in Para. 3(vii) of the petition and details given in Schedule 7 of list of particulars and thereby committed the corrupt practice under Section 123(7) of the R.P. Act?

8. (a) Did the respondent No. 1, his agents and other workers with his consent offer cash to the electors and Sri Ram Bilas Singh and distribute throughout the constituency a large number of yellow caps free of charge and thereby committed the corrupt practice of bribery within the provisions of Section 123(1) of the R.P. Act as alleged in para. 3(viii) of the petition and particulars given in schedule 8?

(b) Did the respondent No. 1 his agents and workers with his consent, offer to supply guns and arms to various persons and thereby committed the corrupt practice of bribery under section 123(1) of the R.P. Act as alleged in Para. 3(ix) of the petition and schedule 9 of the list of particulars?

9. (a) Has the result of the Election been materially affected by the aforesaid alleged corrupt practices?

(b) Were any such corrupt practices, committed by the respondent No. 1 or his election agents or were they committed contrary to the orders and without the consent of the respondent No. 1 and his election Agent?

Were such alleged corrupt practices of a trivial and limited character and they did not affect the result of the election?

10. Whether the petitioner did not comply with the provisions of Section 117 of the R.P. Act? If so to what effect?

11. To what relief if any, is the petitioner entitled?

Issue No. 10.

It does not require any finding now as it has already been disposed of as preliminary issue. I shall now proceed to consider the remaining issues:—

FINDINGS

Issues Nos. 3 and 7.

They have not been pressed. There is also no evidence in support of them. They are therefore decided against the petitioner.

Issue No. 1.

It has been argued that Schedule I annexed to the plaint is barred by time as the substitution of the word 'during' in place of the word 'before' preceding the words 'the election' in its para (a) has so altered its character as to make it in substance a new schedule and a fresh schedule would have been barred by time on 26th August 1957 when the amendment was ordered to be made. I see no force in that argument as the substitution of the word 'during' in place of the word 'before' restricted the period which was implied in the original expression. It has been specifically so held in the order dated 26th August 1957. It appears from pages 6 and 7 of an order dated 23rd August, 1957 that the contesting respondent was also of the same opinion at that time.

Even if it be conceded that the amendment had so altered the character of Schedule I as to make it in substance a new schedule the amended schedule could not be barred by time as the date of the Schedule for computation of the period of limitation will still be the date of the original Schedule. It has been held in *Travencore Mica Co. Ltd., vs. Kell & Huxford Chambers, Madras*, (A.I.R. 1956, Travencore Cochin, 9), following *Barkatun Nisan vs. Mohammad Asad Ali* (I.L.R. XVII All, 288), and *Ram Lal vs. Harrison*, (I.L.R. 2 All, 832), as follows:—

"Normally an amendment which deprives the opposite party of a right acquired by limitation may not be allowed but it is a matter for the court to consider at the time of passing order on the application for amendment, and if the same is allowed, the date of suit for computing the period of limitation is still the date of the original plaint".

The above ruling should be applicable to the case of election petitions as well in view of the provisions of Section 90(1) R.P. Act.

It has not been urged before me in arguments that the petition or any part of it is barred by time in view of the amendments made on 4th November, 1958. It has also been specifically held in that order that the amendments cannot be said to completely alter the character of the petition and to make it in substance a completely new petition. The issue is, therefore, decided in negative.

Issue No. 2(a).

It relates to para. 3(i) of the Petition as supplemented by Schedule I of the petition. Para. 3(i) of the Petition is to the effect that the Respondent No. 1 and his agents and other persons on his behalf and with his consent made systematic appeal to the electors of Hindu community to vote on ground of religion and community and of the Respondent No. 1 being sole representative of the Hindu community and made use of and appealed to religious symbols. It is supplemented by

Schedule I of which para. (a) and (c) are relevant for this issue. Para. (a) mentions 16 hand-bills, pamphlets and notices said to contain appeal to religion and community while para. (c) mentions 3 hand-bills and pamphlets etc. said to contain religious words, phrases and symbols which are said to have been distributed throughout the whole constituency. It also gives the names of 37 agents and workers for Respondent No. 1. It has an annexure in which are specified the date, place and time when distribution was effected. The annexure also gives the names of persons who distributed the pamphlets etc. which were distributed date-wise.

The Petitioner has examined Jagdish Sahai, Raghubir Sahai, Ram Dularey, Hira Lal, Rameshwar Dayal, Rampal Singh, Dwarka Khuman, Ram Swarup, Ujagar, Mangal Khan, Ram Singh, Durjan, Zafar Ahmad Khan, Abdur Rahman, Dasrath Lal, Sri Kishan and Pyarey Lal (P.Ws. 5, 7 to 11, 14, 17 to 22 and 24 to 26) in support of this issue. Out of them the evidence of Hira Lal, Rampal Singh, Dwarka Khuman, Ram Swarup, Ujagar, Ram Singh, Durjan, Zafar Ahmad Khan and Abdur Rahman (P.Ws. 9, 11, 13, 14, 17 and 19 to 22) is of little avail as they have not stated about any particular hand-bill or pamphlet etc. having been distributed. The evidence of the remaining witnesses may now be considered. Before doing so I would like to note that out of them Mangal Khan and Dasrath Lal (P.Ws. 18 and 24) only are summoned and that Jagdish Sahai and Dasrath Lal (P.Ws. 5 and 24) only have stated about distribution at the place where they reside.

Jagdish Sahai (P.W. 5) has stated that pamphlets like Avad Dhara (Ex. 1) and Rashtrya Gane (Ex. 3) were distributed on 27th February 1957 in his town Tilhar at Town Hall by Ram Sahai and Mithlesh Kumar. His evidence is of little avail as he has stated in cross-examination that he does not know on whose behalf they had distributed the said exhibits and there is no other evidence that they were workers of the respondent No. 1 although they are mentioned among workers of the respondent No. 1 in Schedule I and among distributors in the annexure to Schedule I and Exts. 1 and 3 are included in para. (a) of Schedule I at Serial Nos. 5 and 2 respectively.

He is not an independent witness as he is admittedly interested in the Congress. He could also be amenable to influence as he is admittedly cousin of Sri Ajudhia Prasad Mukhtar of Tilhar where the Petitioner has admittedly his brother Pyarey Lal practising as Mukhtar. It is probably for these reasons that he has come forward to give evidence without having been even summoned.

Raghubir Sahai and Ram Dulare (P.Ws. 7 and 8) have stated that some pamphlets and hand-bills were distributed by the Respondent No. 1 and some others at about noon in the Dhaighat Magh fair on Purnmashi day corresponding to 14th February 1957. Raghubir Sahai has stated about Exhibits 2, 65, 66 and 69 to 73 while Ram Dularey has stated about some of the Exhibits 64, 65 and 72 to 75 having been distributed. The evidence of Raghubir Sahai about Ex. 70 and of Ram Dulare about Ex. 74 is of little avail for the purpose of this issue as they are not included in Schedule I paras. (a) and (c). Exts. 64, 66, 69, 71 to 73 and 75 are included in para. (a) at S. Nos. 13, 14, 1, 6, 16, 12 and 4 respectively while Ext. 65 is included in para. (c) at S. No. 2 in Schedule I but the evidence about Exts. 64, 65, 71 and 75 is of little avail as they are not included in the annexure to Schedule I among articles and pamphlets which are said to have been distributed there. The evidence is also unworthy of credence for the reasons to be just stated.

Both the witnesses are admittedly unsummoned and are relations of Parmeshwari Dayal Pradhan who appears to be keenly interested in the Petitioner as both of them have stated that they have come to give evidence on being asked by him to do so. Raghubir Sahai has stated that distribution was effected by Respondent No. 1 and his workers of whom he knew Gulzar Singh, Bhagwan Saran and Sia Ram whereas Ram Dulare has stated that it was effected by the Respondent No. 1 and his worker Gulzar Singh only. Gulzar Singh, Bhagwan Saran and Sia Ram are, however, not included among the workers of the Respondent No. 1 in Schedule I in the annexure. It may be noted that Respondent No. 1, Shiv Prasad Seth and Jai Gopal Rastogi are named as distributors in the annexure. Raghubir Sahai did not admittedly tell the petitioner about the said distribution although he admits to have met him and to have some talk with him 10—15 days before voting which took place on 6th March, 1957 according to Ram Dulare.

Both the witnesses are chance witnesses as they are residents of village Gahwarla alias Pandri which is at a distance of 10—12 miles from Dhaighat fair according to Raghubir Sahai but that is of little consequence as Raghubir Sahai has stated that not only residents of Shahjahanpur district collect in the fair but also of neighbouring districts Hardoi, Etah, Badaun, Farrukhabad and Pilibhit.

Raghubir Sahai has also stated that the letter Ex. 2 had been received by his cousin Parmeshwari Dayal who is a Pradhan and resides in village Gahwaria *alias* Pandri. His evidence on the point is of little consequence although Ex. 2 is included in para. (a) of schedule I at S. No. 11, as Gahwaria *alias* Pandri is not included among the places where it was distributed in the annexure to Schedule I. His uncorroborated evidence on the point is also unacceptable as he has admitted that Parmeshwar Dayal is alive.

Ram Dularey has also stated about some of the exhibits 64, 65, and 72 to 75 having been distributed by the Respondent No. 1, Gulzar Singh and Rajvir Singh 4-5 days before polling in Paraur at 4-5 P.M. His evidence could relate to 2nd March 1957, when distribution is said to have been effected at Paraur in the evening according to annexure to schedule 1, as according to him he had cast his vote on 6th March 1957, but in the annexure the Respondent No. 1 and Jaigopal Rastogi are named as distributors and it has already been noted that Gulzar Singh is not included among workers of the Respondent No. 1 in Schedule I and so is the case of Rajvir Singh. The witness could only be a chance witness at Paraur as he has stated that his village is at a distance of 2-3 miles from there. He claims to have gone to Paraur for some business in the post office but could not recall to memory that business. His uncorroborated testimony is consequently unacceptable.

Rameshwar Dayal (P.W. 10) has stated that booklets and hand-bills like Ext. 70 and 73 were distributed in Faridapur by the Respondent No. 1, 4-5 days before polling. His evidence is of little avail as there is nothing on record to connect it with 2nd March 1957, to which date it is said to relate according to the learned counsel for the Petitioner. He has stated in cross-examination that he does not remember the date of polling and there is no other evidence to show that the polling of this village took place. His evidence does not carry conviction as he is a chance and unsummoned witness. He is a resident of village Basai which is at a distance of 5-6 miles from Faridapur. He claims to have gone to his manihar in Faridapur but there is little possibility of it as he has stated that he had no business in going there. He has admitted that his maternal grandfather and other members of the family were present at the time of distribution but none of them has been examined. His evidence does not carry conviction also because he has stated that the Respondent No. 1 only had distributed hand-bills etc. although Jaigopal Rastogi is named with the Respondent No. 1 as distributor in the annexure to Schedule I. His evidence about distribution of Ex. 70 is of little consequence for the purpose of this issue as it is not included in Schedule I.

He has also stated about Ex. 2 having been received by his brother Pyarey Lal who is Pradhan but his evidence on the point is of little avail for the reasons already given while considering similar evidence of Raghubir Sahai.

Mangal Khan (P.W. 18) has stated that the companions of Respondent No. 1 had distributed hand-bills and booklets like exts. 64, 66, 70 and 72 in Kant at noon. His evidence about date of distribution is conflicting. He has stated in examination-in-chief that the distribution had been effected 1-2 days before polling but has stated in cross-examination that it was effected on the next day of 6th March 1957, when vote was cast by him *viz.* 7th March 1957, to which date his evidence relates according to Petitioner's Counsel. His evidence about Ex. 70 is of little consequence as that exhibit is not included in Schedule I.

He is a chance witness as he is a resident of Maibhurganj which is at a distance of 18 miles from Kant. He claims to have gone to Kant on Thursday from Rawatpur which is at a distance of 2 furlongs from Kant and to have gone to Rawatpur from his village on Thursday to sell his cattle in the cattle market but it is not possible to believe him as he has stated that cattle-market is held in Rawatpur on Wednesdays and that he returned to his village on the next day of reaching Rawatpur. If he had gone to Rawatpur to sell his cattle he should have reached there on Wednesday or stayed on till next Wednesday but he did not do so.

Dasrath Lal (P.W. 24) has stated that one day before polling Exts. 64, 69, 70, 72 and 73 were distributed at Bankhandi Nath temple, Shahjahanpur by Respondent No. 1, Sri Jai Chand Vakil and 5-6 others whose names he does not know. He has not given the date of distribution but it must have been 11th March 1957 as he has stated that he went to Qila Normal School polling station on the next day when polling was held there and Exts. 76 and 77 proved by Shoo Kumar Pathak (P.W. 23) show that the polling took place at Qila Normal School on 12th March 1957. His uncorroborated testimony does not, however, carry conviction as he appears to be a man of slender means and does not reside

in close vicinity of Bankhandi Nath temple. There can be no doubt about his being a man of slender means as he has stated that he had repaid a decree for Rs. 50 partly in cash and partly by making shoes for the decree-holder. He is a resident of Mohalla Sadarbazar which is at a distance of about 1½ mile from Bankhandi Nath temple. His uncorroborated testimony is unacceptable also because he did not admittedly tell anybody about distribution although he claims to have met the Petitioner on the day of polling and told him about the irregularities seen by him at Qila Normal School Polling Station. It may also be noted that his evidence about Ex. 70 is of little consequence as it is not included in schedule 1 paras. (a) and (c).

Sri Krishna (P.W. 25) has stated that on 24th February 1957, Exts. 64, 65 and 70 to 73 were distributed from a car at about 3 P.M. in Powayan market by Respondent No. 1 and his 4-5 companions whose names he does not know. His evidence is unacceptable for the reasons to be just stated. His evidence to the effect that 4-5 others besides the Respondent No. 1 had distributed the said exhibits is in conflict with the annexure to Schedule 1 where one more person only besides the Respondent No. 1 is named as distributor.

He is an unsummoned and chance witness. He resides in village Nahil which is at a distance of 3-4 miles from his village. He claims to have gone to Powayan to purchase an injection for his ailing maternal grand-mother but could not recall to memory the price for which injection was purchased by him and pleads ignorance about the name of the shop-keeper. Had he really gone to purchase injection as stated by him he is not likely to have forgotten at least its price. His evidence about Ex. 70 is also of little consequence as it is not included in Schedule 1(a) and (c). His evidence about Exs. 64, 65 and 71 is also of little consequence as they are not included in the annexure to Schedule 1 among the pamphlets, etc., distributed in Powayan market on 24th February 1957. It has been argued by the learned counsel for the petitioner that Ex. 65 should be deemed to be included in the annexure as it is mentioned against the immediately preceding entry and the word 'ditto' is noted against Powayan bazar in the column for 'articles and pamphlets distributed'. I see no force in that argument as the word 'ditto' is under the other entries in the column "articles and pamphlets distributed" and not under 'Ex. 65' which has been shown as an additional pamphlet against the immediately preceding entry. The expression 'ditto' cannot be deemed to relate to the addition in the immediately preceding entry as it has been noted under such an addition as well at page 4 of the annexure.

Pyare Lal (P.W. 26) has stated that one day before polling Exts. 64, 66, 69 and 72 were distributed at 12 noon in Allahganj market by Respondents No. 1 and 2-3 others whose names he does not know. His evidence does not fix the date of distribution as he has stated that it was 5th of some month which he does not know. It has been urged by the learned counsel for the Petitioner that his evidence relates to 5th March 1957 but there is nothing on record to support that contention. Even if his evidence is deemed to relate to that date his evidence could be of little avail as regards Ex. 64 as that Ext. is not included in the pamphlets etc. which are said to have been distributed there according to the annexure to Schedule 1.

He is an unsummoned and chance witness. He is a resident of Chilawwa which is at a distance of 1-1½ miles from Allahganj according to him. He has not given any reason for going to Allahganj market. His uncorroborated evidence is consequently unacceptable.

The Petitioner has been examined as P.W. 29.

He has not stated that he has personal knowledge about the subject matter of this issue. On the other hand he has stated that the grounds of his petition are based on information received by him from his friends and Congress workers and believed by him to be true. He could not say if his informants had personal or hear-say knowledge. He stated at first that they had told him that they had personal knowledge but in the next breath stated that they did not so tell him. There is thus no satisfactory evidence in support of the issue. It is consequently not necessary to consider the evidence of the contesting respondent.

It may, however, be noted that there is evidence of Sahu Bishan Swarup, Mitesh Kumar, Mohan Lal, Rajkumar Khanna, Hardwari Lal, Ram Larete Sharma, Bhagwan Das, Banarsi Das, Ram Bharose Lal, Hari Ram, Madho Singh, Shati Swarup, Sheo Sagar Singh, Gulzar Singh, Rajwiri Singh, Jangli Lal, Ram

Narain Mahotra, Ram Bharose Lal, Kunj Behari Lal, Rameshwar Dayal, Dwarka Prasad, Ram Bahadur Kashyap, Sheolal Agarawal, Sardar Singh, Gurdial Misra, Raj Bahadur, Babu Ram, Ram Singh, Budhpal Singh, Rameshwar Dayal, Haridat Singh, Babu Ram, Respondent No. 1 and Raja Ram Singh (R.Ws. 3, 4, 6 to 19, 21 to 27 and 29 to 39) in rebuttal.

Respondent No. 1 has admitted to have gone to Tilhar Paraur, Bajhera, Khara Bajhera, Qaumganj, district Farrukhabad, Kant, Jalalabad, Shamsabad, district Farrukhabad, Khudaganj, Powayan, and Allahganj, but he denied to have gone to Dhaighat fair and Bankhandi Nath temple Shahjahanpur for canvassing. He could not recall to memory if he had gone to Faridapur, Surjapur and Jaitipur. He could not also recall to memory the day or date of his visit to any village. He has specifically denied to have distributed any kind of literature and has stated that he used to be accompanied by his motor-driver, one servant and Ram Chandar or Rameshwar Maharaj only and that he discontinued going himself for canvassing since 8—10 days before voting. He has further stated that Sri Ram Bazaz was his polling agent but did no other work and that the other 36 persons named as agents and workers in the Schedule 1 were not his agents or workers and did not accompany him for canvassing. He has specifically denied to have sent any such letter as Ex. 1 to all Pradhans of Gaon Sabha in the constituency and to have signed its manuscript.

Sahu Bishan Swarup, Mitlesh Kumar, Harbans Lal Seth, Mohan Lal and Ram Singh (R.Ws. 3 to 6 and 33) are named as workers and agents of Respondent No. 1 in Schedule 1 and Mitlesh Kumar has also been named as worker of the Respondent No. 1 by Raghubir Sahai (P.W. 7) but they have categorically denied this fact. Gulzar Singh (R.W. 17) has been named by Raghubir Sahai and Ram Dularey (P.Ws. 7 and 8) while Rajvir Singh (R.W. 18) has been named by Ram Dularey (R.W. 8) as workers of the Respondent No. 1 but they too have categorically denied this fact.

The Respondent No. 1 is not alleged to have appealed to voters in any other mode besides distribution of pamphlets etc. and the evidence about distribution has been found to be unsatisfactory. It could not, therefore, be said that he had made systematic appeal to the electors of Hindu community. It is also not necessary to consider if those pamphlets etc. contained appeal on ground of religion and community and if the Respondent No. 1 made use of and appealed to religious symbols. It is unlikely that some of the alleged pamphlets etc. would have been used for the purposes of canvassing as the counsel for the Petitioner has admitted that they are in such stiff Hindi that he could not translate them in English although he is a Graduate in both the languages. For these reasons the issue is decided in negative.

Issue No. 2(b)

It is not necessary to decide its first part and the later part is decided in negative in view of Issue No. 2(a) having been decided in negative. It may be noted here that the learned counsel for the contesting Respondent has laid much emphasis on the fact that the expression "for the furtherance of the prospects of Respondent No. 1's election" is wanting in para 3(i) of the Petition and its Schedule 1 but I do not agree with him as the same idea is conveyed by the expression "the result has been materially affected by voting and refraining from voting it" occurring at the end of para 3(i) of the Petition.

Issue Nos. 5(a) and (b)

Its subject matter is para 3(v) of the petition supplemented by Schedule 5. Para 3(v) of the Petition is to the effect that Respondent No. 1 and his agents or workers with his consent committed the corrupt practice of undue influence under Section 123(2) of the R.P. Act by asking the electors to caste one vote only and to give that vote to Respondent No. 1 and thereby interfered with the free exercise of the electoral right of the electors and a large number of votes were cancelled. In Schedule 5 this practice is said to have been committed by distribution in the entire constituency of a notice with the heading "Janta ko samvik sujhao" and the electors of Powayan, Jamaur, Jalalabad, Khara Bajhera constituencies are said to have been more particularly affected.

The notice in question is Ex. 74. There is evidence of Ram Dularey (P.W. 8) only about its distribution in Paraur but there is no evidence that Paraur is in any of those constituencies which are said to have been specially affected by its distribution. His evidence is also unacceptable for the reasons already given by me while considering it in connection with Issue No. 2.

Learned counsel for the Petitioner has relied on the word "yekmatra" in the first sentence of the last para of Ex. 74 in support of this issue as in his opinion it means "only". I do not agree with him as in my opinion the said word means in its context "in a body" and consequently the sentence in question contains an appeal to the voters to vote in a body for Respondent No. 1. Even if his interpretation be accepted the appeal in question would not amount to undue influence being exercised within the meaning of section 123(2) of the R.P. Act for the reasons given in *B. R. Ambedkar v. S. A. Dange* (1 E.L.R. 364 at 370-371). There is no evidence that a large number of voters failed to exercise their electoral right and a large number of votes were cancelled on account of the Respondent No. 1 and his agents or workers having asked the voters to cast one vote only and to give that vote to Respondent No. 1. It does not appear from the return of Election (Ex. 7) that any vote was cancelled although it shows that 79,663 votes were rejected. The votes may have been rejected under section 63(2) of the R.P. Act on account of some electors having given more than one vote to any one candidate in contravention of the provisions of sub-section 1 of that section but giving of two votes by an elector to one candidate has not been made illegal. Issue No. 5(a) and both the parts of Issue No. 5(b) are consequently decided in negative.

Issue No. 8(a)

It is based on para 3(viii) of the Petition and its Schedule 8. Para 3(viii) of the petition is to the effect that the Respondent No. 1 and his agents and other workers with his consent and with the intention of obtaining votes and support of the electors offered cash to the electors and other candidates and distributed throughout the constituency a large number of yellow caps free of charge and thereby committed the corrupt practice of bribery under section 123(1) of the R.P. Act. In Schedule 8 it is stated that a sum of Rs. 1,000 was given by cheque to Ram Vilas Singh a candidate for U.P. Assembly from Jamaur constituency before the date of his election and yellow caps were distributed in thousands throughout the constituency from the very beginning of the election and any one who only promised to vote for Respondent No. 1 was given the cap free of charge by the workers of the Respondent No. 1. It is also stated therein that the specifications of the date, time and place and of the persons distributing the yellow caps are given in annexure to Schedule 1. There is no evidence whatsoever about Rs. 1,000 being given to Ram Vilas and about yellow caps being given free of charge to any one who only promised to vote for Respondent No. 1 although there is evidence that yellow caps were distributed at several places. The evidence about yellow caps having been distributed free of charge at several places can be of little avail in the absence of any evidence that they were given to those voters who promised their votes for the Respondent No. 1 as mere distribution could not be a corrupt practice of bribery as laid down in section 123(1) of the R.P. Act. The evidence is also not satisfactory.

It consists of the testimony of Nathu Lal, Raghubir Sahai, Ram Dularey, Hira Lal, Rameshwar Dayal, Rampal Singh, Khuman, Ram Swarup, Ujagar, Mangal Khan, Ram Singh, Durjan, Hakim Zafar Ahmad Khan, Abdur Rahman, Dasrath Lal, Sri Krishan Sharma and Pyarey Lal (P.Ws. 4, 7 to 11, 13, 14, 17 to 22 and 24 to 26). Nathu Lal (P.W. 4) has stated about distribution at Dostpur but that place is not included in the annexure to Schedule 1, and consequently his evidence is worthless. The evidence of Raghubir Sahai, Ram Dularey, Rameshwar Dayal, Mangal Khan, Dasrath Lal, Sri Krishan Sharma and Pyarey Lal (P.Ws. 7, 8, 10, 18 and 24 to 26) is unacceptable for the reasons already given while considering their evidence under issue No. 2(a). The evidence of the remaining witnesses may now be considered.

Hira Lal (P.W. 9) has stated about distribution in Bajhera cattle-market by Respondent No. 1 and 4-5 others whose names he does not know. His evidence is said to relate to 5th March 1957 but there is nothing to connect it with the said date. He has stated that distribution was effected one day before polling and there is no evidence about the date of polling. He has further stated that he does not remember the date of polling although he has stated that he had polled at Kunhua Gahwaria in the middle of Phagun. He is admittedly an unsummoned witness and claims to have been called by Ram Ghulam from Collectorate where he had come in connection with his own case one day before being examined in this case. He is only a chance witness as he is a resident of Sonhar. His evidence is unacceptable for these reasons.

Rampal Singh (P.W. 11) has stated about distribution in a grove of Khera Bajhera about one month before polling. His evidence is said to relate to 16th January 1957 but there is nothing to connect it with that date. He has himself

stated that he does not know the date of polling although he has stated that he had polled at Khara Bajhera. He is a chance witness as he is resident of Taharpur which is admitted by him to be at a distance of one mile from Khara Bajhera. He claims to have gone to Khara Bajhera to hear lecture on learning 2-3 days previous that the Respondent No. 1 was to come and give lecture. He has not stated who had effected distribution. He is an unsummoned witness and claims to have appeared at the instance of his uncle Raghubir Singh. His evidence is unacceptable for these reasons.

Khuman (P.W. 13) has stated about distribution having been effected in the market of Surjupur 10—12 days before polling on Friday by the Respondent No. 1 who was accompanied by a *sadhu* and many others. His evidence is said to relate to 15th February 1957 but there is nothing to connect it with that date. He has stated that he does not remember the date of polling although he has stated that it was the month of Phagun. He is a chance witness as he admittedly resides at a distance of 3 miles from Surjupur and does not know if the market is held in Surjupur on any other day besides Friday. He is admittedly an unsummoned witness and has stated that he has come to give evidence at the instance of one Durga of Surjupur. His evidence is unacceptable for these reasons.

Ram Swarup (P.W. 14) has stated about distribution in village Jaitipur 8—10 days before polling by the Respondent No. 1 only. His evidence is said to relate to 15th February 1957 but there is nothing to connect it with that date. He could not recall to memory the date of polling although he has stated that he had polled at Nawadah polling station. He is a chance witness as he resides in Bandia Kalan which is admitted by him to be at a distance of 4-5 miles from Jaitipur. He is admittedly an unsummoned witness and has stated that he has appeared at the instance of his brother Mathura Prasad.

Ujagar (P.W. 17) has stated about distribution in Qaimganj market 20—25 days before polling by the Respondent No. 1 and 5-6 others whose names he does not know. His evidence is said to relate to 20th February 1957 but there is nothing to connect it with the said date. He could not recall to memory the day and date of polling although he has stated that he had polled in Astoli. He is a chance witness as he resides in Jarauli which is according to him, about 18 miles from Qaimganj. He claims to have gone to Qaimganj to demand payment of Rs. 50 which one Chhote Lal owed to him towards the price of she-buffalo purchased from him about 15 days previously and to have received Rs. 50 but did not admittedly give receipt for the said amount. He is an unsummoned witness and claims to have been sent to give evidence by his elder brother Pahlad. His evidence is unacceptable for these reasons.

Ram Singh (P.W. 19) has stated about distribution in Jalalabad about one month before polling in the beginning of the month of Phagun by Respondent No. 1 and one other person whose names he does not know. His evidence is said to relate to 7th February 1957 but there is nothing to connect it with that date. He could not recall to memory the day and date of polling, although he has stated that he had cast vote in Astoli about 8 days before the close of the month of Phagun. He is a chance witness as he resides in Jarauli which is at a distance of 9 miles from Jalalabad. He is an unsummoned witness and claims to have come to Shahjahanpur with P.W. Ujagar at the instance of one Sudda Khan. His evidence is unacceptable for these reasons.

Durjan (P.W. 20) has stated about distribution in Shamsabad market 20—25 days before Holi by the Respondent No. 1 and 2—4 others whose names he does not know. His evidence is said to relate to 19th February 1957 but there is nothing to connect it with the said date. He could not recall to memory the day and date of polling although he has stated that he had cast his vote in Astoli in the month of Phagun. He is a chance witness as his village is admittedly at a distance of 15 miles from Shamsabad. He is an unsummoned witness and has stated that he had come to Shahjahanpur with Ujagar and Ram Singh at the instance of Sudda Khan of village Jarauli. His evidence is unacceptable for these reasons.

Hakim Zafar Ahmad Khan (P.W. 21) has stated about distribution in Khudaganj 2-3 days before polling by the Respondent No. 1 only. His evidence is said to relate to 26th February 1957 but there is nothing on record to connect it with that date. He could not recall to memory the day and date of going to Khudaganj and of polling, although he has stated that he had polled at Tilhar in the month of February. He is a chance witness as he resides in Tilhar which is at a distance of 13—15 miles from Khudaganj. He has stated that he is a

registered Practitioner and had gone to Khudaganj to see a patient but could not recall to memory the name of the patient and the nature of illness. He has also pleaded ignorance about the Mohalla in which his patient resided. He claims to maintain a register of patients datewise but could not recall to memory if he had entered in it the name of the patient for whom he had gone to Khudaganj. He was summoned for 15th December 1958 and was examined on 17th December 1958 although he has stated that he had come to court on 15th and 16th December 1958 as well. If he had come on 15th and 16th December 1958 he would certainly have been examined on those dates as very few witnesses were examined on the 15th and mostly unsummoned witnesses were examined on the 16th. He could have a soft corner for the appellant as he claims to have received summons through a servant of Sri Pyarey Lal Mukhtar who is admitted by the Petitioner to be his brother and to have told about what he saw in Khudaganj among others to Budhan Khan and Kishwar Ali of whom Budhan Khan was elected Chairman on Congress ticket and Kishwar Ali is a Congressman like the petitioner.

Abdur Rahman (P.W. 22) has stated about distribution at Town Hall, Tilhar one day before election by the Respondent No. 1 and his 4-5 companions whose names he does not know. His evidence is said to relate to 27th February 1957 but there is nothing on record to connect it with the said date. He has not given the date of election. He is a summoned witness, but could be amenable to Petitioner's influence as he claims to have received summons through Pyarey Lal Mukhtar who is admitted by the Petitioner to be his brother, to have been elected as member Municipal Board, Tilhar on Congress ticket; and to have supported Budhan Khan in the election for the Presidentship of the Municipal Board and to belong to the party of Budhan Khan who was undisputedly elected President of the Municipal Board, Tilhar on Congress ticket. He could have attended the meeting at Tilhar, if he resides at a distance of about 50 paces from Town Hall as stated by him, but he is not likely to have attended any meeting addressed by the Respondent No. 1 as he has stated that he did not hear what was said by the Respondent No. 1 in the speech at the meeting. His evidence is unacceptable for these reasons.

In support of this issue the learned counsel for the Petitioner has also relied on Ex. 24 which is voucher No. 39 filed with Respondent No. 1's account of election expenses. It is in respect of Rs. 95 for price of 160 yards parmata and of Rs. 22 for tailoring charges: total—117. It is of little avail as it appears to be voucher for price of flags in view of the endorsement with that 354 flags had been received.

In view of the petitioner's evidence being unsatisfactory it is not necessary to consider Respondent No. 1's evidence in rebuttal. It may, however, be noted that the evidence consists of the testimony of Mohan Lal, Rajkumar Khanna, Hardwari Lal, Ram Larete Sharma, Bhagwan Das, Banarsi Das, Ram Bharose Lal, Hari Ram, Madho Singh, Shanti Swarup, Shiv Sagar Singh, Gulzar Singh, Rajvir Singh, Jangi Lal, Ram Narain Mahrotra, Ram Bharose Lal, Kunj Behari Lal, Rameshwar Dayal, Dwarka Prasad, Ram Bahadur Kashyap, Shiv Lal Agarwal, Sardar Singh, Gurdayal Misra, Raj Bahadur, Babu Ram, Ram Singh, Budhpal Singh, Rameshwar Dayal, Hari Dat Singh, Babu Ram, Respondent No. 1 and Raja Ram Singh (R.Ws. 6 to 19, 21 to 27 and 29 to 39).

For the above reasons the issue is decided in negative.

Issue No. 8(b)

It is in respect of para 3(ix) of the Petition supplemented by its Schedule 9, para 3(ix) of the Petition is to the effect that the Respondent No. 1, his agents and workers with his consent and with the intention of obtaining votes promised and offered to supply guns and arms to various persons and thereby committed the corrupt practice of bribery under section 123(1) of the R.P. Act. In Schedule 9 the corrupt practice is said to have been committed by Jaigopal Rastogi, Pradhan, Hindu Maha Sabha having Rashtrya Alha printed at Vijay Press and that pamphlet being distributed widely throughout the constituency during canvassing prior to election dates. The names of Tirloki Nath Seth, Brhama Dat Misra, Suraj Prasad, Seth Bhagwan Das, Jwala Shankar and Banwari Lal Seth are mentioned as agents and workers of the Respondent No. 1 in addition to 37 names of agents and workers given in Schedule 1. Specifications of the date, time and place and of the persons making the offer by means of the said pamphlet are noted to be the same as given in the annexure to Schedule 1.

The pamphlet in question is Ex. 72. It shows that Jaigopal Rastogi, Pradhan, Hindu Mahasabha, Shahjahanpur got it printed from Vijay Press, Shahjahanpur.

Jai Gopal Rastogi is included among agents and workers of Respondent No. 1 in Schedule 1 at S. No. 8 but he is described as Secretary, Hindu Maha Sabha, Shahjahanpur and there is no evidence that he was agent and worker of the Respondent No. 1. On the other hand the Respondent No. 1 has categorically denied that Jaigopal Rastogi was his worker and agent. It was not put to him that Jaigopal Rastogi was President or Secretary of the Hindu Maha Sabha, Shahjahanpur at the time of election and that he had got Ex. 72 printed through him. Any voucher for it has also not been shown to me among those vouchers which were filed by Respondent No. 1 with his account of Election Expenses under section 77 of the R.P. Act.

Hari Ram Gupta (P.W. 28) has stated that the handbill in question (Ex. 72) was printed at his Press but has not stated who got it printed and who paid the charges for its printing. He could not state as to who got the handbill in question printed and who paid its printing charges as he does not admittedly maintain Order Book and accounts. He does not appear to be complying with the Press Act as he did not admittedly print the name of his press in Ex. 79 which he admits to have been printed there and does not admittedly send any copy of the matter printed at his press to District Magistrate or C.I.D. The reason given by him for not printing the name of his press on Ex. 79 is that the Respondent No. 1 had got it printed in reply to a pamphlet which purported to have been printed in his press on behalf of Darshan Singh but was in fact not printed there. His explanation is hardly satisfactory. He has pleaded ignorance about printed copies of hand-bills and pamphlets being sent to any authority but Bhagwat Saran Vaish (P.W. 1), Manager of Klong Press, Bareilly has stated that under Press Act 3 copies of any matter printed in the press are sent to local C.I.D. under the authority delegated to it by District Magistrate.

Apart from there being no satisfactory evidence about Ex. 72 having been published at the instance of or on behalf of the Respondent No. 1, there is also no satisfactory evidence about its distribution by the Respondent No. 1 and his agents or workers with his consent. Raghunir Sahai, Ram Dularey, Mangal Khan, Sri Krishna and Pyare Lal (P.Ws. 7, 8, 18, 25 and 26) only have stated about its distribution but their evidence has been found to be unsatisfactory while considering Issue No. 2(a). The rebutting evidence is of the witnesses whose names have already been detailed while considering the said issue.

Learned counsel for the Petitioner has specifically relied on the second stanza of 13th line from bottom of Ex. 72. It is to the effect that guns would be distributed if Hindu Raj is established. In my opinion the stanza in question does not contain any offer for bribery but only sets out the programme of the Hindu Maha Sabha if Hindu Raj of its conception is established. Such a declaration of the programme of any party could not attract the provisions of section 123(1) of the R.P. Act.

For the above reasons the issue is decided in negative.

Issue No. 4

Its subject matter is para 3(iii) of the Petition supplemented by Schedule 3 annexed to the Petition. Para 3 of the Petition is to the effect that Respondent No. 1 and his agents with his consent hired and procured vehicles for the conveyance of the electors to the polling stations and back and that some vehicles hired by the Respondent No. 1 for the purpose of the election together with others procured by the Respondent No. 1 with the help of the workers detailed in Schedule 3 at his election camps at the polling stations on the dates of the election given in the Schedule were used to carry voters. Schedule 3 gives the dates with polling centres, description of vehicle used, places from and to which the vehicles were used and the places of which voters were carried and their number. It also gives the names of Seth Sita Ram, Bhagwan Sahai Shukla and Seth Hari Ram as agents and workers who procured and hired the vehicles.

The first date is 6th March 1957 and related to Intermediate College, Jalalabad. It mentions motor cars in the column meant for vehicles used but does not give registration number of any car. Most of the voters residing in the abadi of Jalalabad are said to have been carried from the abadi of Jalalabad up to the road terminus to the College path and back. There is no evidence in support of this item. The learned counsel for the petitioner has also so conceded at the time of argument.

The second date is 12th March 1957 relating to Qila Normal School, Shahjahanpur. It mentions USW 512 and USW 340 in the column meant for description vehicle but does not give the nature of vehicles. Most of the voters residing

in Mohallas Manghai Tola, Bala Tirahi, Abdullah Ganj, Mahman Shah, Haripura and Dalelganj are said to have been carried from those Mohallas to the corner of the school and back. The evidence of Shoo Kumar Pathak and Dasrath Lal (P.Ws. 23 and 24) only is relevant in this connection and may be considered.

Shoo Kumar Pathak was polling agent at Qila Normal School, Shahjahanpur for Narain Din Valmiki who was a Scheduled Caste candidate for Parliament on Congress ticket. He has stated that at 11-30—12 noon he saw 30—40 men surrounding Respondent No. 1 sitting in his car which was standing at a distance of about 10 yards from polling station. He over-heard the Respondent No. 1 enquiring from the persons surrounding him about progress of the polling; 2-3 persons telling him that the polling was slack and it would be better if some arrangement is made for voters being brought and the Respondent No. 1 telling them that his car and the cars of Hirdey Narain and 4-5 others, whose names he could not recall to memory may be utilized for bringing voters. After 15—20 minutes he saw some voters coming on two motor-cars and complained about it to darogha on duty who caught one of the drivers and asked him to take away the car which had been brought by him. He submitted written complaint to the Presiding Officer and retained copy of that complaint after having endorsed on it by the Presiding Officer that the original had been received by him. He mentioned in it the Registration number of the cars.

Copy of his complaint is Ex. 76. It gives the Nos. of the Vehicles as U.S.W. 512 and USW 340 but does not specify the nature of the vehicles. It does not also state for whom the voters were being brought in the said vehicles although it states that they were bringing voters and that the darogha took into custody the driver on complaint being made to him but subsequently released the driver and got the vehicles removed. In the absence of any mention about the candidate for whom voters were being brought the complaint appears to refer to the rival of Narain Din Valmiki as he has stated that he was polling agent for Narain Din Valmiki only. He has also stated that he had marked in the list of voters those voters who had come by cars and that he had given the said list of voters to Narain Din Valmiki but that list has not been produced nor has any explanation been offered for not having it brought on record. It could not consequently be said that the voters were residents of the Mohallas which are specified in Schedule 3.

He has not stated that the Respondent No. 1 sent his car for being utilized for voters being brought. He has also not stated to whom those cars belonged which brought voters, who procured or hired those cars and from whom and where those cars were procured. These particulars are required to be proved as they are to be given in the petition according to Section 85 of the R.P. Act. Madan Lal v. Zargham Haider (13 E.L.R. 456, at 467-468) and Madanmohan Upadhyaya v. Hari Datt Kandpal (15 E.L.R. 331, at 347-348). His evidence is consequently worthless.

It may be noted that he has also stated about having submitted another written complaint to the Presiding Officer for facilities being provided to voters of the Respondent No. 1 and not to the voters of the Petitioner and Narain Din Valmiki and about having retained copy of the complaint after obtaining an endorsement from the Presiding Officer regarding the original having been given to him. He has produced that copy and it is marked Ex. 77. It is addressed to Returning Officer and not to the Presiding Officer. It is to the effect that on his complaining to the Presiding Officer about his voters being harassed and the voters of Respondent No. 1 being given full facilities the Deputy Superintendent on duty threatened him and also disgraced him to adversely influence voters of his candidate. It obviously relates to Issue No. 7, but has not been relied presumably because his evidence is in conflict with the allegations in Schedule 7 which is the basis of issue No. 7.

It is stated in Schedule 7 that the Presiding Officer and the Dy. S.P. at the Qila Normal School polling centre in Shahjahanpur city Assembly constituency were openly siding and favouring the Candidature of Respondent No. 1 by so arranging the ques and regulating the entry of voters inside the polling booth that the Respondent No. 1's voters got priority over those of the Petitioner and other candidates and that a large number of Petitioner's voters could not exercise their right of vote and thus went out of the ques due to delaying tactics of the Presiding Officer and the Dy. S.P. But he has stated that voters were not made to stand in ques and the partiality of which he complained was about voters of the Respondent No. 1 being hurried through and those of the Petitioner being delayed, and that he does not know if any voter of the Petitioner could not vote on account of the partiality. He has not stated anything against the partiality of the Dy. S.P.

Dasrat Lal has stated that the Respondent No. 1 came to Qila Normal School Polling Station on the day of polling at 11.30-12 noon in his (Respondent No. 1's) car and enquired from Hari Ram what was the matter. Hari Ram replied that the voting was slack and some arrangement may be made for cars to bring voters as voters were either old or infirm. The Respondent No. 1 just then placed his own car at the disposal of Hari Ram and asked Hari Ram to take also the cars of Hirdey Narain and a car of one other person whose name he could not recall to memory. Immediately after that the driver took away the car of Respondent No. 1 from there. His evidence is in conflict with that of Sheo Kumar Pathak as he mentions Hari Ram only from whom enquiry was made by Respondent No. 1 about the progress of voting and who replied to the query and has stated that the driver took away the car of the Respondent No. 1 immediately after the Respondent No. 1 placed it at the disposal of Hari Ram for voters being brought. It is also worthless as he has not stated that Hari Ram had gone in the car of the Respondent No. 1 and brought voters on it and other cars. He has on the other hand stated that he does not know if the cars of Hirdey Narain and one other person, whose name he did not know were taken or not and if the voters came on cars subsequently. His evidence could even be of little avail in view of necessary particulars having not been given in Schedule 3 as has already been noted while considering the evidence of Sheo Kumar Pathak on the point.

The mere fact that the Respondent No. 1 had placed his car at the disposal of Hari Ram for voters being brought could in my opinion be sufficient to establish the corrupt practice laid down in Section 123(5) of the R.P. Act unless it was proved that voters of the locality mentioned in Schedule 3 were brought in it, as the conveyance of electors is a necessary ingredient of the said corrupt practice. It may be noted that neither of the two witnesses have stated that voters were brought on the car of the Respondent No. 1. Sheo Kumar Pathak had given the numbers of the two vehicles in his complaint (Ex. 76), but has not given the registration Number of any car in his testimony and has not even stated that any of them belonged to the Respondent No. 1.

Learned Counsel for the Petitioner has relied on the opinion of Sri T. C. Sethi in *Balwant Singh v. Devial* (8 E.L.R. 1) that actual carrying of voters is not necessary but that opinion can be of little avail as it was not acceptable to the remaining two members of the election Tribunal including its Chairman. It may be noted that in *Madanlal vs. Zargham Haidar* (13 E.L.R. 456) it was remarked at 467 that "May be, it is an essential ingredient for an act to constitute corrupt practice under clause 5 of Section 123 of the R.P. Act to allege and prove the actual conveyance of the voters also" but no final opinion was expressed on the point as it was not involved at that stage.

For the above reasons the issue is declared in negative.

Issue No. 6

It is in respect of Para. 3(vi) of the Petition supplemented by its Schedule 6. Para. 3 (vi) of the Petition is to the effect that Respondent No. 1 had incurred or authorised expenditure in contravention of Section 77 of the R.P. Act 1951 and no separate and correct account of all the expenditure in connection with the election incurred or authorised by the Respondent No. 1 had been kept according to prescribed rules. The details of this corrupt practice are given in Schedule 6 as under:—

- (1) Accounts were not kept date-wise.
- (2) Vouchers were not maintained serially.
- (3) Advance payments were not shown and entered in appropriate place and date.
- (4) Cost of electoral rolls and amount of security deposit had not been shown.
- (5) The expenses on a large number of chits distributed and got printed were not shown.
- (6) The accounts of payment for motor cars, jeep and other vehicles were, not correctly shown and vary in amount or date and time of use.
- (7) Cost of yellow cloth and caps made and distributed had not been shown.
- (8) The booklet "Rashtrya Gane" was got published and printed from two presses viz. Vijay Press, Shahjahanpur and King Press, Bareilly, but the charges of the former Press have not been shown and there is mistake in payment to King Press Bareilly. It was also not shown wherefrom paper was supplied to press for printing the booklet.
- (9) The book "Abadh Dhara" had been got printed from Hind Printers, Bareilly but it was not shown wherefrom paper was received.

- (10) Details of expenditure of cloth purchased for flags, number of flags and cost of painting those flags did not tally with each other.
- (11) The details of expenses in many vouchers do not tally with the details mentioned in column 2 of the return of Election Expenses.

It appears from Section 123(6) of the R.P. Act that what is corrupt practice is the incurring or authorising of expenditure in contravention of Section 77 and not the improper maintenance of accounts and submission of the wrong accounts of expenses. But it has not even been specified in the Schedule how expenditure had been incurred or authorized in contravention of Section 77. Under Section 77(3) of the R.P. Act read with rule 135 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956 the Respondent No. 1 could have incurred an expenditure upto Rs. 35,000 as he was contesting a seat of a two-member constituency. There is no evidence that he had exceeded this limit apart from there being even no such allegation. His accounts of election expenses (Ex. 63) shows a total expenditure of Rs. 15,685/13/- only.

For the above reasons the issue is decided in negative.

Issue No. 9 (a) and (b)

Issue No. 9(a) and first part of Issue 9(b) are decided in negative and the subsequent part of issue 9(b) does not arise in view of there being no satisfactory evidence about the alleged corrupt practices.

Issue No. 11

The Petitioner is not entitled to any relief. He is on the other hand liable to pay costs to the Respondent No. 1. The costs are assessed at Rs. 1,000. The issue is decided accordingly.

Order

The Petition is dismissed. The Petitioner should pay Rs. 1,000 to the Respondent No. 1 for costs.

No corrupt practice is proved to have been committed by, or with the consent of, any candidate or his agent at the election.

No person has been proved to have been guilty of any corrupt practice.

M. Ali

(Sd.) KHADIM ALI,

Member, Tribunal, Shahjahanpur.

Let an extract about discussion regarding Hari Ram Gupta (P.W. 28) under issue No. 8(b) be sent to the District Magistrate, Shahjahanpur for such action being taken against him under the Press Act as may be deemed proper.

(Sd.) KHADIM ALI,
Member, Tribunal.

The 30th April, 1959.

[No. 82/472/57.]

New Delhi, the 25th May 1959

S.O. 1181.—Whereas the election of Shri Mirza Ahmed Ali as a member of the Council of States from the Electoral College constituted for the Union Territory of Delhi has been called in question by an election petition by Shri Brij Behari;

And whereas by its notification No. 82/10/58/830, dated the 25th November, 1958, the Election Commission appointed Shri Jagjit Singh Bedi, the then District and Sessions Judge, Delhi, as Member of the Election Tribunal constituted for the trial of the said petition;

And whereas the said Shri Jagjit Singh Bedi consequent on his appointment as an Additional Judge of the High Court of Punjab, has resigned his membership of the said Tribunal and a vacancy has accordingly occurred in the office of the member of the Tribunal;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 86 of the said Act, the Election Commission hereby appoints Shri Hans Raj Khanna, District and Sessions Judge, Delhi, to fill the said vacancy.

[No. 82/10/58.]

By Order,
DIN DAYAL, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 21st May 1959

S.O. 1182.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following further amendment to the rules published with the notification of the Government of India in the Ministry of Home Affairs, No. S.O. 2297, dated the 3rd November, 1958 namely:—

In clause (c) of rule 2 of the said rules, before the words “the Director, Military Regulations and Forms”, the words, “the Director General or the Deputy Director General, Ordnance Factories,” shall be inserted.

[No. 3/6/59-Pub.I.]

FATEH SINGH, Jt. Secy.

New Delhi, the 25th May 1959

S.O. 1183.—In pursuance of sub-rule (3) of rule 3 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 609, dated the 28th February, 1957, namely:—

In the said notification, after the heading “Ministry of Communications (Post and Telegraphs Department)” and the entries relating thereto, the following heading and entries shall be inserted, namely:—

“Ministry of Works, Housing and Supply.—Work-charged personnel of the Central Public Works Department, the President's Garden Establishment and the Estate Office”.

[No. F. 7/5/59-ESTS(A).]

P. SITARAMAN, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 21st May 1959

S.O. 1184.—In pursuance of sub-sections (3) and (5) of Section 11 of the Port Haj Committees Act, 1932 (XX of 1932), the elections of Captain M. A. Golandaz, as Chairman, and Shri Hakim F. K. Azami and Shri M. A. Latif as Vice-Chairmen of the Port Haj Committee, Bombay, at the meeting of the Committee held on April 28, 1959, are hereby approved and notified.

[No. F.18(25)-IAT/59.]

P. N. KAUL, Dy. Secy.

MINISTRY OF FINANCE

(Defence)

New Delhi, the 20th May 1959

S.O. 1185.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the recruitment to the Class III and Class IV Services in the Defence Accounts Department, namely:—

1. These rules may be called the Defence Accounts (Class III and IV Services) Recruitment Rules.
2. Recruitment to Class III and Class IV posts in the Defence Accounts Department shall be in accordance with the provisions of Schedules I and II respectively to these rules.

SCH
Class III

Serial No.	Name of the post	Its classification and whether Gazetted or Non-gazetted	Scale of pay		Whether a Selection Post or Non-Selection Post	Age limits for direct recruitment	Educational and other qualifications required for direct recruitment
			Pre-1931 entrants	Prescribed scale			
1	2	3	4	5	6	7	
1.	Accountants	Ministerial (Non-Gazetted). Class III	Rs. 210—20— 410 EB— 30—500.	Rs. 200—15— 380 EB— 20—500	Non-Selection.	25 years. Age limit will be 29 in the case of Registered & Chartered Accountants as well as Cost & Works Accountants. Relaxation upto a limit of 2 years will also be permitted in the case of candidates possessing exceptional qualifications.	A University degree with First Class/Second Class Honours, a Degree of Master of Arts/Science/Commerce (First Class/Second Class*), a diploma of Chartered Accountants and Cost and Works Accountants (ACWA England and AICWA India).
2.	Assistant Accountants.	Ministerial (Non-Gazetted) Class III.	Rs. 115—10— 225.	Rs. 100—10— 250.	Non-Selection.	..	...
3.	Upper Division Clerks.	Ministerial (Non-Gazetted) Class III.	Rs. 55—6— 115 (EB)—5— 170 (EB)—5— 200.	Rs. 80—5— 120 (EB) —8—200 —10/2—200	Non-Selection.	25 years.	Degree of a University.

*Note: 1st class graduates will be preferred.

UIN J
service

Whether age and Educational qualification prescribed for direct recruitment will apply in case of recruitment by promotion	Period of probation	Methods of recruitment (i. e. whether by direct recruitment, by promotion or by transfer and percentage of vacancies to be filled by the various modes)	In case of vacancies filled by promotion/transfer/grades—sources from which promotions are to be made	If a Departmental promotion Committee exists for recruitment by promotion composition thereof	Circumstances in which UPSC is to be consulted in making recruitment	Remarks
8	9	10	11	12	13	14
No.	For directly recruited individuals one year from the date of appointment as an Offg. Accountant after passing the Departmental Subordinate Accounts Service Examination. For promoted individuals—6 months.	Twenty per cent by direct recruitment of apprentices to the Subordinate Accounts Service. Eighty per cent by promotion.	Promotion from the grade of Assistant Accountants. This is confined to those who have passed the Departmental Subordinate Accounts Service Examination.	A Departmental Promotion Committee consisting of (1) Controller of Defence Accounts/Joint Controller of Defence Accounts/Deputy Controller General of Defence Accounts. (2) Two other Officer of the office concerned.	None.	The apprentices directly recruited to the Subordinate Accounts Service will be required to pass the Departmental Subordinate Accounts Service Examination. Not more than 2 chances will be allowed to them to pass each part of it. They will be required to appear for every Subordinate Accounts Service Examination held after 10 months of the commencement of Apprenticeship. Failure to pass the examination will make them liable for discharge.
...	None.	By promotion.	Promotion from the grade of Upper Division Clerks, Lower Division Clerks, Stenographers & Key Punch Operators.	...	None.	Individuals belonging to the grades in Column 2 of serial Nos. 3, 4, 5 & 6 who pass the Departmental Subordinate Accounts Service Examination or the final Examination of the Institute of Cost & Works Accountants (British & Indian) are promoted to this grade.
No.	One year	Twenty per cent by promotion according to seniority subject to fitness, the remaining vacancies by direct recruitment.	Promotion from the grade of Lower Division Clerks. Lower Division Clerks who pass Part I of the S. A. S. Examination are promoted out of turn to the grade of U.D. Cs.	..	None.	

1	2	3	4	5	6	7
			Rs.			
4	Lower Division Clerks.	Ministerial (Non-Gazetted), Class III	Rs. 60—3—81 (BB)—4—125—5—130.	Non-Selection.	25 years.	Matriculation.
5	Key Punch Operators.	Ministerial (Non-Gazetted) Class III	60—3—81—(BB)—4—125—5—130	Non-Selection	25 Years.	Matriculation.
6	Stenographers.	Ministerial (Non-Gazetted) Class III	C.G.DA'S Office. Rs. 150—10—300 —12½—400	The appointment of Stenographers of the CGDA'S Office and the Selection Grade Stenographers are selection posts.	25 Years.	Matriculation— A speed of 100 words per minute in shorthand and 40 words per minute in typewriting is essential. For the grade Rs. 160—330 a speed of 120 words per minute in short hand and 40 words per minute in typewriting is essential.
			Controllers Offices Rs. 115—10—225	(i) Selection Grade 200—10—300 (ii) Rs. 80—5—120 (BB) —8—200—10/2—220.		
7	Record Clerks	Ministerial (Non-Gazetted), Class III	Calcutta 30—1—50 Bombay 25—1—40—½—45 all other Stations 25—1—50	45—2—65—3—80 Selection Grade. Rs. 75—3—105	Non-selection	25 Years Middle School Standard.

NOTE:—(1) The age limit where prescribed is subject to such relaxation as has been granted by the Government and also to such relaxations as have been provided in the rules and regulations.

(2) Any person having more than one wife living, or marrying a person having a wife living, shall not,

8	9	10	11	12	13	14
No.	6 months for direct recruits. One year for those promoted from the grade of Record Clerks. One year for those transferred from the grade of Key Punch Operators	Partly by direct recruitment and partly by promotion subject to passing a prescribed test and to fitness. No fixed percentage has been laid down for promotion. A certain (Unspecified) number of posts is also filled by transfer of Key Punch Operators who have completed 5 years service as such and are adjudged fit for clerical duties.	Promotion from the grade of Records Clerks. Transfer from the grade of Key Punch Operators.	...	None.	
	6 months	By direct recruitment.	...	...	None	
	6 months,	Stenographers in Controllers' offices by direct recruitment. Selection Grade Stenographers By promotion of stenographers in Controllers' offices. Stenographers in the office of the Controller General of Defence Accounts—By transfer of serving stenographers in the Controller's offices selected by the Controller General of Defence Accounts.	As in Column 10	...	None	Promotion to Selection Grade Stenographers in the Controller's offices is made on an all India basis from Stenographers serving in those offices who pass the prescribed UPSC test.
...	6 months (for direct recruitment).	By direct recruitment. The Selection grade posts are filled by promotion from the rank of Record Clerks subject to fitness.	As in Column 10.	...	None.	

* of India to Scheduled Castes/Tribes, Displaced persons and the like by orders issued from time to time unless specially exempted, be eligible for appointment to these posts.

SCHEDULE

Class IV

Serial No.	Name of the Post	Classification whether Gazetted or non-Gazetted	Scale of Pay		Whether a selection post or non-selection post	Age limits for direct recruitment	Educational & other qualifications required for direct recruitment
			for pre-1959 entrants	Prescribed scale			
1	Record Sorters of the office of the Controller General of Defence Accounts.	Non-Gazetted Class IV.	Rs. 20-1-40	Rs. 40-1-50—EB-2-60.	Non-Selection	..	.
2	Junior Gasstetner Operator of the office of the Controller General of Defence Accounts	Non-Gazetted Class IV.		Rs. 40-1-50—EB-2-60.	Non-Selection	...	Middle School Standard.
3	Duffries	Non-Gazetted Class IV.	Rs. 15-1-35	Rs. 35-1-50	Non-Selection	25 years	Middle School Standard.
4	Jamadar Poon of the Office of the Controller General of Defence Accounts	Non-Gazetted Class IV.		Rs. 35-1-50	Non-Selection	..	.
5	Peons Huzars Sweepers Chookies Malis House-keepers & Ram...	Non-Gazetted Class IV		Rs. 20-1-35	Non-Selection	25 years	Middle School Standard for Peons only.

NOTES — 1. Age limit where prescribed is 25 years, such relaxation as has been granted by the Government in previous years as have been provided in the Rules and Regulations.

2. A person having more than one wife living, or marrying a person having a wife living, shall not

TABLE II.
Services

Whether age and educational qualification prescribed for direct recruitment will apply in case of recruitment by promotion/transfer	Period of probation	Methods of recruitment (i.e. whether by direct recruitment or by transfer & percentage of vacancies to be filled by the various methods)	In case of vacancies filled by promotion transfer—sources from which promotions are to be made	If a D. P. C. exists for recruitment by promotion composition thereof	Circumstances in which U.P.S.C. is to be consulted in making recruitment	Remarks
8	9	10	11	12	13	14
...	...	By promotion.	Promotion from the rank of Duffries of the C.G.D.A.'s Office.	...	None	
...	..	By promotion.	Promotion from the rank of Duffries of the office of the C.G.D.A. subject to proficiency in handling the Gestetner Machine.	...	None	Direct recruitment will be resorted to only when suitable Departmental candidates are not available.
...	...	By promotion falling which direct recruitment.	Promotion from the rank of Peon, subject to suitability.	...	None	
...	...	By promotion.	Promotion from the rank of Peon according to suitability.	...	None	
...	...	By direct recruitment.	...	...	None	

of India to Scheduled Castes/Tribes, Displaced Persons and the like by orders issued from time to time and also to such unless specially exempted, be eligible for appointment to these posts.

[No. 0698/Accts./AN.]

P. C. BHATTACHARYYA,
Joint Financial Adviser.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 21st May 1959

S.O. 1186.—Statement of the Affairs of the Reserve Bank of India, as on the 15th May 1959.

BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS		Rs.
Capital paid up		5,00,00,000	Notes		19,96,91,000
Reserve Fund		80,00,00,000	Rupee Coin		2,23,000
National Agricultural Credit (Long-Term Operations) Fund		25,00,00,000	Subsidiary Coin		2,97,000
			Bills Purchased and Discounted :—		
National Agricultural Credit (Stabilisation) Fund		3,00,00,000	(a) Internal . . . . .		..
Deposits :—			(b) External . . . . .		..
(a) Government			(c) Government Treasury Bills		14,34,77,000
(1) Central Government		52,96,93,000	Balances held abroad*		24,61,29,000
(2) Other Governments		9,72,78,000	**Loans and Advances to Governments		43,52,50,000
(b) Banks		72,31,97,000	Other Loans and Advances †		74,79,49,000
(c) Others		118,71,58,000	Investments		244,82,72,000
Bills Payable		16,93,89,000	Other Assets		13,15,87,000
Other Liabilities		51,61,60,000			
	Rupees	435,28,75,000		Rupees	435,28,75,000

*Includes Cash & Short term Securities.

**Includes Temporary Overdrafts to State Governments.

†The Item 'Other Loans and Advances' includes Rs. 8,19,04,000/- advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 15th day of May 1959.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department.	19,96,91,000		A. Gold Coin and Bullion:—		
Notes in circulation . . .	1765,97,94,000		(a) Held in India . . .	117,76,03,000	
Total Notes issued . . .		1785,94,85,000	(b) Held outside India . . .	..
			Foreign Securities . . .	178,00,89,000	
			TOTAL OF A . . .		295,76,92,000
			B. Rupee Coin.		129,40,44,000
			Government of India Rupee Securities .		1360,77,49,000
			Internal Bills of Exchange and other commercial paper . . .		..
TOTAL LIABILITIES . . .		1785,94,85,000	TOTAL ASSETS . . .		1785,94,85,000

Dated the 20th day of May 1959.

K. G. AMBEGAOKAR,
Dy. Governor.

[No. F. 3(2)-BC/59.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

CUSTOMS

New Delhi, the 23rd May 1959

S.O. 1187.—In exercise of the powers conferred by section 188 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 46-Customs dated the 30th March, 1957, namely:—

- (i) In the said notification, for the words "the Assistant Collector of Customs in charge of the port of Visakhapatnam," the words "the Collector of Customs Visakhapatnam" shall be substituted;
- (ii) for the words "the Collector of Customs, by whom the appeal would otherwise be heard," the words "the Collector of Customs, Madras, by whom the appeal would otherwise be heard" shall be substituted.

[No. 102/F. No. 22/7/58-Cus. IV.]

S.O. 1188.—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance No. 5-Customs dated the 18th January, 1952, namely:—

In the Schedule annexed to the said notification,

- (1) in the third column against serial No. 6A relating to the port of Visakhapatnam, for the entry "The Assistant Collector of Customs in charge of the port of Visakhapatnam," the words "The Collector of Customs, Visakhapatnam" shall be substituted;
- (2) in the second column against serial No. 11, the word 'Visakhapatnam' shall be deleted.

[No. 104/F. No. 22/7/58-Cus. IV.]

M. A. RANGASWAMY, Dy. Secy.

(Department of Revenue)

ORDERS

STAMPS

New Delhi, the 13th May 1959

S.O. 1189.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty leviable on the lease-deed to be executed by Embassy of the Union of Burma in India in respect of the premises known as First Floor, Second Floor, two servant quarters and a garage of House No. 15, Golf Links Area, New Delhi-3.

[No. 13.]

New Delhi, the 23rd May 1959

S.O. 1190.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures of the value of Rs. 55 lakhs issued by the Kerala Financial Corporation are chargeable under the said Act

[No. 14.]

D. N. LAL, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 16th May 1959

S.O. 1191.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue

hereby makes the following amendments in the Schedule appended to its notification SO 660 No. 35—Income-tax dated the 22nd April 1958, namely:—

In the said Schedule under the Sub-head:—

- (a) "XII-Madras" against Tiruchirapalli Range, the existing item "5. Ootacumund Circle" shall be deleted and the subsequent entries 6, 7, 8, 9 and 10 shall be renumbered as "5, 6, 7, 8 and 9", respectively.
- (b) "X-Kerala and Coimbatore" against Coimbatore Range, after the existing entry "10. Alwaye Circle" the following entry shall be added, namely:—

"11. Ootacumund Circle"

and the existing entry "11" shall be renumbered as "12".

This notification shall take effect from 1st June 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the transfer of Nilgiris District from the Charge of Commissioner of Income-tax, Madras to the Commissioner of Income-tax, Kerala and Coimbatore.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 63/F. No. 55/50/59-IT.]

S.O. 1192.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that Shri W. K. Gharpurey a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Madras excluding the whole of Coimbatore and Nilgiris Districts.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Gharpurey shall be designated as the Commissioner of Income-tax, Madras with headquarters as Madras.

2. This notification shall take effect on and from the 1st day of June, 1959.

Explanatory Note

NOTE.—The amendments have become necessary due to the transfer of Nilgiris District to the Charge of the Commissioner of Income-tax, Kerala and Coimbatore.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 64/F. No. 55/50/59-IT.]

S.O. 1193.—In exercise of the powers conferred by sub-section (2) of section 5 of the India Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that Shri M. Hamid Mirza a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Kerala and in the Districts of Coimbatore and Nilgiris in the State of Madras and the Union territory of Laccadive, Minicoy and Amindivi Islands.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Mirza shall be designated as the Commissioner of Income-tax, Coimbatore with headquarters at Coimbatore.

2. This notification shall take effect on and from the 1st day of June, 1959.

Explanatory Note

NOTE.—The amendments have become necessary due to the transfer of Nilgiris District from the charge of Commissioner of Income-tax, Madras to the charge of the Commissioner of Income-tax, Kerala and Coimbatore.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 65 (F. No. 55/50/59-IT).]

CORRIGENDA

INCOME-TAX

New Delhi, the 20th May 1959 .

S.O. 1194.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) the Central Board of Revenue hereby directs that in their notification S.O. 1013 No. 50 Income-tax dated the 27th April 1959 at pages 1101-1102 of Part II Section 3(ii) of the Gazette of India dated the 9th May, 1959:—

(a) against "A" Range, Bangalore:—

Delete S. No. "7. Estate Duty cum Income-tax Circle, Mysore".

(b) against "B" Range, Bangalore:—

for "2. Special Circle, Bangalore".

read "2. Special Circle and Additional Special Circle, Bangalore".

[No. 66 (F. No. 50/29/59-IT).]

S.O. 1195.—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby directs that in their notification S.O. 929 No. 34 Income-tax dated the 27th April, 1959 at page 1038-1039 of Part II—Section 3(ii) of the Gazette of India dated the 2nd May, 1959:—

(a) against "A" Range, Calcutta:—

for "2. Companies District III(3)" Calcutta read "2. District III(3)" Calcutta.

(b) against "D" Range, Calcutta:—

(i) for "4. Project Circle, West Bengal" read "4. Project Circle I".

(ii) for "7. Project Circle, Calcutta" read "7. Project Circle II".

[No. 67 (F. No. 50/32/59-IT).]

B. V. MUNDKUR, Under Secy.

ESTATE DUTY

New Delhi, the 21st May 1959

S.O. 1196.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central

Board of Revenue hereby makes the following amendment in its notification No. 33/F. No. 21/8/57-ED dated the 31st December, 1957 as amended namely:—

In the said notification, the words “North Arcot” shall be deleted.

2. This notification shall come into force with effect from the 1st June, 1959.

Explanatory Note

(This note is not part of the amendment but is intended to be merely clarificatory).

The amendment is necessary due to the decision to transfer jurisdiction over cases arising in North Arcot District to the Estate Duty *cum* Income-tax Circle, Salem.

[No. 12/F. No. 21/37/59-ED.]

S.O. 1197.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) the Central Board of Revenue hereby makes the following amendment in its notification No. 35/F. No. 21/81/57-ED dated the 31st December, 1957, namely:—

In the said notification, for the words “the Nilgiris”, the words “North Arcot” shall be substituted.

2. This notification shall come into force with effect from 1st June, 1959.

Explanatory Note

(This note is not part of the amendment but is intended to be merely clarificatory).

The object of the above amendment is to exclude the Nilgiris District from the jurisdiction of the Estate Duty *cum* Income-tax Circle, Salem and to add to its jurisdiction North Arcot District.

This has become necessary owing to the decision to transfer Nilgiris District from the charge of the Controller of Estate Duty, Madras to the charge of the Controller of Estate Duty, Coimbatore.

[No. 13/F. No. 21/37/59-ED.]

S.O. 1198.—In exercise of the powers conferred by the second proviso to sub-section 2 of section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of its notification No. 18/F. No. 21/81/57-ED dated the 19th December, 1957 the Central Board of Revenue hereby directs that, subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED/21/52/57-ED dated the 5th September, 1957 as amended by its notification No. 8/F. No. 12/1/59-ED dated the 1st April, 1959 every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty *cum* Income-tax Circle, Coimbatore, and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said Circle shall perform his functions as Assistant Controller and Deputy Controller respectively in the said Circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the Revenue Districts of the Nilgiris and Coimbatore of Madras State and the Revenue Districts of Kozhikode and Cannanore of Kerala State.

2. This notification shall come into force with effect from the 1st June, 1959.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary owing to the transfer of the Nilgiris from the jurisdiction of the Controller of Estate Duty, Madras to the Jurisdiction of the Controller of Estate Duty, Coimbatore.

[No. 14/F. No. 21/37/59-ED.]

D. SUBRAMANIAN, Secy.

ESTATE DUTY

New Delhi, the 25th May 1959

S.O. 1199.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of its notification No. 50/F. NO. 21/66/58-ED dated the 28th October, 1958, the Central Board of Revenue hereby directs that, subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED/21/52/57-ED dated the 5th September, 1957 as amended by its notification No. 8/F. No. 12/1/59-ED dated the 1st April, 1959 every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty *cum* Income-tax Circle, Ahmedabad and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said Circle, shall perform his functions as Assistant Controller and Deputy Controller respectively in the said Circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the revenue districts of Banaskantha, Sabarkantha, Mehsana, Ahmedabad, Amreli, Halar, Madhya Saurashtra, Zalawad, Gohilwad, Sorath and Kutch.

2. This notification shall be deemed to have come into force with effect from 1st May, 1959.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary due to (1) the transfer of the districts of East Khandesh, West Khandesh and Nasik from the charge of the Controller of Estate Duty, Bombay North, Ahmedabad, to the charge of the Controller of Estate Duty, Bombay South, Poona. (2) consequential redistribution of jurisdiction between the Estate Duty *cum* Income-tax Circles, Ahmedabad and Baroda.

[No. 15/21/38/59-ED.]

S.O. 1200.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of its notification No. 49/F. No. 21/66/58-ED, dated the 28th October, 1958 the Central Board of Revenue hereby directs that subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED/21/52/57-ED, dated the 5th September, 1957, as amended by its notification No. 8/F. No. 12/159-ED, dated the 1st April, 1959 every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-*cum*-Income-tax Circle, Baroda and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said Circle, shall perform his functions as Assistant Controller and Deputy Controller respectively in the said Circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to Income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the revenue districts of Surat, Broach, Baroda, Dangs, Kaira and Panch Mahals.

2. This notification shall be deemed to have come into force with effect from the 1st May, 1959.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary due to the transfer of the districts of East Khandesh, West Khandesh and Nasik from the charge of the Controller of Estate Duty, Bombay North, Ahmedabad, to the charge of the Controller of Estate Duty, Bombay South, Poona.

[No. 16/F. No. 21/38/59-ED.]

S.O. 1201.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of its notification No. 38/F. No. 21/7/55-ED, dated the 31st March, 1958 the Central Board of Revenue hereby directs that subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED/21/52/57-ED, dated the 5th September, 1957 as amended by its notification No. 8/F. No. 12/159-ED, dated the 1st April, 1959 every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-*cum*-Income-tax Circle, Poona and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said Circle, shall perform his functions as Assistant Controller and Deputy Controller respectively in the said Circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to Income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the following revenue districts of Bombay State:

1. Poona.
2. Satara North.
3. Satara South.
4. Kolhapur.
5. Ratnagiri.
6. Kolaba.
7. Sholapur.
8. Ahmednagar.
9. Thana.
10. Akola.
11. Amravati.
12. Yeotmal.
13. Buldhana.
14. Wardha.
15. Chanda.
16. Aurangabad.
17. Nanded.
18. Osmanabad.
19. Bhir.
20. Parbhani.
21. East Khandesh.
22. West Khandesh.
23. Nasik.

2. This notification shall be deemed to have come into force with effect from the 1st May, 1959.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

The notification has become necessary as a result of the transfer of the revenue districts of East Khandesh, West Khandesh and Nasik from the charge of the Controller of Estate Duty, Bombay North, Ahmedabad to the charge of the Controller of Estate Duty, Bombay South, Poona.

[No. 17/F. No. 21/38/59-ED.]

P. K. GHOSH, Under Secy.

CUSTOMS

New Delhi, the 23rd May 1959

S.O. 1202.—In exercise of the powers conferred by section 9 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue, as the Chief Customs Authority,

hereby makes the following further amendments in the notification dated the 10th March, 1910, published on page 526 of the Fort St. George Gazette, Part II, dated the 15th March, 1910, as subsequently amended namely:—

In the said notification,

(1) in the preamble for the words "Madras and Kerala" the words "Madras, Kerala and Andhra Pradesh" shall be substituted.

(2) after the rule (1) the following rule shall be inserted, namely:—

"(1A) (a) the Collector of Customs, Visakhapatnam shall exercise, concurrently with, and subject to the orders of the Collector of Customs, Madras, all or any of the powers of a Customs Collector;

(b) the Collector of Customs, Madras may by order delegate to the Collector of Customs, Visakhapatnam the duties of Chief Customs Officer, imposed on him by sections 16, 104, 105, 106, 107, 109, 117 and 181-A of the said Act."

[No. 103 F. No. 22/7/58-Cus. IV.]

M. A. RANGASWAMY, Secy.

CENTRAL EXCISE COLLECTORATE, ALLAHABAD

Allahabad, the 24th April 1959

S.O.1203 —With effect from the 1st May 1959 a new Division with Headquarters at Moradabad will be created in Allahabad Collectorate and the territorial jurisdictions of the existing, Bareilly, Meerut, Agra and Kanpur Divisions will be changed from that date as per table below:—

Sl. No.	Name of the Division	Headquarters	Sl. No.	Name of Circle	Headquarters	Territorial jurisdiction of the Circle
1	2	3	4	5	6	7
1	Moradabad	Moradabad	1	Moradabad	Moradabad	Pauri Garhwal & Bijnore Dist. & Moradabad and Thakurdwara Tehsils of Moradabad District.
			2	Chandausi (New Circle)	Chandausi	Sambhal, Bilari & Amroha Tehsils of Moradabad District.
			3	Aligarh	Aligarh	Aligarh District.
			4	Bulandshahr	Bulandshahr	Bulandshahr District.
2	Bareilly	Bareilly	1	Bareilly	Bareilly	Bareilly District.
			2	Badaun (New Circle)	Badaun	Badaun District.
			3	Shahjahanpur.	Shahjahanpur.	Shahjahanpur, Pilibhit & Hardoi Distts. Tehsil Khatima of Nainital Distt. & Pithoragarh Pargana of Almora Distt.
			4	Rampur	Rampur	Rampur Distt. Almora Distt. excluding pargana Pithoragarh & Nainital District excluding Khatima Tehsil.

Sl. No.	Name of the Division	Headquarters	Sl. No.	Name of Circle	Headquarters	Territorial jurisdiction of the Circle
1	2	3	4	5	6	7
3	Meerut	Meerut	1	Meerut	Meerut	Meerut, Mewana, Sardhana & Bagpat Tehsils of Meerut District.
			2	Saharanpur (New Circle)	Saharanpur	Tehsil Saharanpur of Saharanpur District.
			3	Ghaziabad	Ghaziabad	Tehsils Ghaziabad & Hapur of Meerut Distt.
			4	Muzaffarnagar	Muzaffarnagar	Muzaffarnagar District.
			5	Dehradun	Dehradun	Dehradun & Tehri Garhwal Districts and Nakur Deoband & Roorkee Tehsils of Saharanpur Distt.
4	Agra	Agra	1	Agra	Agra	} As at present
			2	Mainpuri	Mainpuri	
			3	Kasganj	Kasganj	
			4	Jhansi	Jhansi	
						Jhansi, Jalaun, Hamirpur and Banda Districts
5	Kanpur	Kanpur	1	Kanpur-I	} Kanpur	} As at present.
			2	Kanpur-II		
			3	Kanpur-III		

[No. 5/59.]

S.C. MATHUR, Collector

S.O. 1204—In partial modification of Notification No. 5/1959 dated 24-4-59 it has been decided to locate the new Division at Rampur instead of Moradabad. The following table may be substituted for the existing table appended to the said Notification :—

Sl. No.	Name of the Division	Headquarters	Sl. No.	Name of Circle	Headquarters	Territorial jurisdiction of the Circle
1	2	3	4	5	6	7
1	Rampur	Rampur	1	Rampur	Rampur	Rampur Distt. Almora Distt. excluding pargana Pithoragarh & Nainital Distt. excluding Khatima Tehsil.
			2	Moradabad	Moradabad	Pauri-Garhwal & Bijnor Distt. & Moradabad and Thakurdwara Teh. of Moradabad District.
			3	Chandausi (New Circle)	Chandausi	Sambhal, Bilari & Amroha Tehsils of Moradabad District.
			4	Dehradun	Dehradun	Dehradun & Tehri-Garhwal Distts. and Nakur Deoband & Roorkee Teh. of Saharanpur District.
2	Bareilly	Bareilly	1	Bareilly	Bareilly	Bareilly District.
			2	Badaun (New Circle)	Badaun	Badaun District.
			3	Shahjahanpur	Shahjahanpur	Shahjahanpur, Pilibhit & Hardoi Distts. Tehsils Khatima of Nainital Dist. & Pithoragarh Pargana of Almora Distts.
			4	Aligarh	Aligarh	Aligarh District.

1	2	3	4	5	6	7
3	Meerut	Meerut	1	Meerut	Meerut	Meerut, Mawana, Sardhan and Bagpat Tehsils of Meerut District.
			2	Saharanpur	Saharanpur	Tehsils Saharanpur of Saharanpur District.
			3	Muzaffarnagar.	Muzaffarnagar.	Muzaffarnagar Distt.
			4	Ghaziabad	Ghaziabad	Tehsils Ghaziabad and Hapur of Meerut Distt.
			5	Bulandshahr	Bulandshahr	Bulandshahr District.
4	Agra	Agra	1	Agra	Agra	} As at present
			2	Mainpuri	Mainpuri	
			3	Kasganj	Kasganj	
			4	Jhansi	Jhansi	
						Jhansi, Jalaun, Hamirpur and Banda Districts.
5	Kanpur	Kanpur	1	Kanpur-I	} Kanpur	As at present
			2	Kanpur-II		
			3	Kanpur-III		

[No. 15/59.]

J. BANERJEE,
Collector.

OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE GOA FRONTIER DIVISION, BELGAUM.

NOTICES

Belgaum, the 12th May, 1959

S.O. 1205—Whereas it appears that the marginally noted goods which were seized by the P.S.I., C.I.D., Goa Border Control Belgaum at a place known as Chikhala Jungle in the vicinity of the Indo-Goa border on 21-2-59 were imported by

	Srs.	Land from Goa (Portuguese possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924, and the Govt. of India, Ministry of Commerce and Industry, Import Control Order No. 17/55 dt. 7-12-55 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 1 noted in the margin.)
1. Cloves in Gunny bags	110	
2. Eatables in a hand bag	1	
3. German Silver pots	2	
4. Pairs of Old Shoes	5	

2. Now Therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with section 167(8) of the Sea Customs Act, 1878 and the goods at item No. 2 to 4 under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b) 10-146/59]

S.O. 1206—Whereas it appears that the marginally noted goods which were seized the

	Mds.	Srs.	C.E. Inspector, Chorla at a place known as Chikhlichha Dhar in the vicinity of the Indo-Goa border on 18-3-59 were imported by land from Goa (Portuguese possessions in India), in contravention of Section 5(1) of the Land Customs Act, 1924, and the Govt. of India Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7-12-55, issued under Section 3 of the Imports and Exports Control Act, 1947, and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.
1. Betelnuts	20	10	
2. Do.		10	

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum, why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII (b) 10-201/59.]

S.O. 1207—Whereas it appears that the		Inspmarginally noted goods which were seized by the Sub-
	Btls.	ector C.E. Amgaon (Chikhli Range) at a place in Pokhat
1. Constantino Portuguese Brandy.	120	Gunda Jungle in the vicinity of Indo Goa Border on
2. Dry Gin.	2	8-2-59, were imported by land from Goa (Portuguese
3. White lable Brandy		possessions in India) in contravention of Section 5(1)
4. White lable whisky,	3	of the Land Customs Act, 1924, and the Govt of India,
5. Jonnie Walker,	1	Ministry of Commerce and Industries Import Control
6. White horse whisky	2	order No. 17/55 dt. 7-12-55, issued under Section 3 of
7. Country liquor	6	the Imports and Export Control Act 1947, and further
8. Goa white betelnuts,	20	deemed to have been issued under Section 19 of the
		Sea Customs Act, 1878 (in respect of item No 1 to
		6 and 8 noted in the margin).

1. Govt. of India Ministry of Finance (CR), Notification No. 2 Camp Cus dt 26-1-1946, issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 7 noted in the margin).

2. Now therefore any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of C. Ex., and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and the containers under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1) (c) of the Land Customs Act, 1924, read with Section 167 (8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII (b) 10-154/59]

S. O. 1208—Whereas it appears that the		marginally noted goods which were seized by the
	B Mds	Sub-Inspector, CE, Hedus at a place in the jurisdiction
Betelnuts in four packages	3	of Ch. No. 44 in the vicinity of Indo Goa border on 31-1-
	9	1959, were imported by land from Goa (Portuguese
		possessions in India) in contravention of Section 5(1)
		of the Land Customs Act, 1924, and the Govt. of India, Ministry of Commerce and Industries
		Import Control Order No 17/55 dated 7-12-1955, issued under Section 3 of the Imports and Ex-
		ports Control Act, 1947, and further deemed to have been issued under Section 19 of the Sea Cus-
		oms Act, 1878
		t

2. Now therefore any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Cen. Excise, and Land Customs Goa Frontier Division, Belgaum, why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and the containers under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1) (c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII (b) 10-136/59]

S.O. 1209.—Whereas it appears that marginally noted goods which were seized by the S.R.P.H.C. at a place known as Suryache Dongar in the vicinity of the Indo-Goa border on 6-3-1959 were imported by Land from (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924, and the Govt. of India, Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7-12-1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

1. Five gunny bags of betelnuts 4 30 Mds. Srs.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum, why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1) (c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII (b) 10-240/59.]

S.O. 1210.—Whereas it appears that the marginally noted goods which were seized by the Inspector of Central Excise, Karmal at a place known as Wada Sari in the vicinity of the Indo-Goa border on 20-2-1959 were imported by Land from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govt. of India, Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7-12-55 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 1 to 5 noted in the margin.)

1. Cloves in one gunny bag.	45	Srs.
2. Do.	50	
3. Do.	50	
4. Rust proof Spring press buttons in one G. Bag, made in Germany.	40 packets each pkt. contains 2 Gross of press buttons.	
5. Do.	35 pkts. each pkt. contains 2 gross of press buttons.	
6. Goa country liquor in one G. Bag.	14 bottles of Goa country liquor.	
7. Do.	10 bottles of Goa country liquor.	

Govt. of India, Ministry of Finance (C.R.) Notification No. 2 Camp Cust. dated 26-1-1946 issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 6 & 7 noted in the margin).

2. Now Therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum, why the abovementioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167 (8) of the Sea Customs Act, 1878 and the containers, under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1) (c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the abovementioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-145/59.]

S.O. 1211.—Whereas it appears that the marginally noted goods which were seized by the Sub-Inspector, Bamanatala at a place known as Jaddiwada in the vicinity of the Indo-Goa border on 2-4-59 were imported by Land from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924, and the Govt. of India, Ministry of Commerce and Industries Import Control

1. Johnnie Walker Scotch Whisky. 21 Btls.

Order No. 17/55 dated 7-12-1955, issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum, why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-249/59.]

S.O.1212.—Whereas it appears that the marginally noted goods which were seized by the

1. Black & White Scotch Whisky.	12 Btls.	Inspector, R. S. Londa, in Bangalore Poona Express, Train while at Londa on 18-3-59, were imported by land from Goa (Portuguese Possessions in India) in contra-
2. White Horse Scotch Whisky	2 "	vention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce
3. New Bluish trunk along- with small lock	1 "	and Industries Import Control Order No. 17/55 dated 7-12-55, issued under Section 3 of the Imports and

Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of items 1 and 2 noted in the margin).

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum, why the abovementioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and the trunk at S. No. 3 under section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the abovementioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-220/59.]

S.O.1213.—Whereas it appears that the marginally noted goods which were seized by the S.R.P.

	B. Mds. Srs.	Head Constable in the jurisdiction of Ch. No. 27 in the vicinity of the Indo-Goa border on 16-3-59 were imported by Land from Goa in contravention of Section 5(1) of the
1. Betelnuts	5 20A	Land Customs Act, 1924, and the Govt. of India, Ministry
2. Betelnuts	7 00	of Commerce and Industries Import Control Order No. 17/55 dated 7-12-55, issued under Section 3 of the Imports

and Exports Control Act, 1947, and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the abovementioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-230/59.]

S.O. 1214—Whereas it appears that the marginally noted goods which were seized by the Inspector of Customs Excise Chorla at a place known as Changha-cha Dhora in the vicinity of the Indo-Goa border on 19-3-59 were imported by Land Md. Srs. from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govt. of India, Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7-12-1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

1. Cloves
2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum, why the abovementioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags under Section 168 of the Sea Customs Act 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-241/59.]

S. O. 1215—Whereas it appears that the marginally noted goods which were seized by the Inspector of Central Excise and Land Customs Prev. Int. Goa Fr. Division, Belgaum at a place known as Belgaum Central S.T. Bus Stand, Belgaum in the vicinity of the Indo-Goa border on 30th January 1959 were about to be exported by Land to Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and Export Control Order No. 1/54 dated 10-5-54/Export Control Order No. 1/58 dated 1-5-58 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of items 1 and 2 noted in the margin).

1. Mudis Tea Tins 6
2. Indian Sarces (in two packages) 60
2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum, why the abovementioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up claim the abovementioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-265/59.]

S.O. 1216—Whereas it appears that the marginally noted goods which were seized by the Jamadar Ch. No. 67 near Ch. No. 67 in the vicinity of the Indo-Goa border on 17-3-59 were imported by Land from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govt. of India, Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7-12-1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of items 1 and 3 noted in the margin.) Govt. of India, Ministry of Finance Dept. C.R. Notification No. 17/Cus dt. 7-3-1936 as amended by Ministry of Finance R.D. Notification No. 19/Cus dt. 22-1-1952 issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 2 noted in the margin.)

1. Betelnuts 8 Bags Mds. 2 Srs. 18
2. Mechanical lightens 300
3. 555 Morker Press stud buttons, Made in Germany. 345 Gross
4. Gunny bag of betelnuts 2
2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum, why the aboveemtioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the gunny bags at S. No. 4 under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the abovementioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b) 10-234/59.]

S.O. 1217—Whereas it appears that the marginally noted goods which were seized by the P.S.I.

One hand bag embradered white containing June Scent made in England one dozen bottles each 15 boxes out of which 12 are back and three with packing slip gone. Press buttons 555 made in Germany each containing 2 gross packed boxes (2).

One hand bag containing June Scent boxes 3 out of which 2 packed and one without slip press buttons 555 1 box containing two gross each. Thermos Flask 1, made in Japan.

One white handbag containing June Scent boxes 3 out of which 2 packed and one without slip press buttons three boxes packed. 555 each 2 gross bundles of press buttons four of six boxes each out of which three packed and one broken. Golden plated chains each having 12, 6 bundles, 12 bundles 6 bundles, 6 bundles, 6 bundles, 2 bundles, 13 bundles. White paper packet crosses red 18, Green golden gilted lockets, heart size, 11, Golden gilted crosses 39 and 45.

2. Now therefore any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs Goa Frontier Dn., Belgaum, why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1) (c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b) 10-248/59.]

S.O. 1218—Where it appears that the marginally noted goods which were seized by the Head

B.Mds. Srs.

Two gunny bags contain- 1 11
ing cloves.

Constable S. R. P. Camp Amboli, at a place near Kegadiwadi in the vicinity of Indo-Goa border on 30-1-1959, were imported by Land from Goa (Portuguese Possessions in India) in contravention of Section 5 (1) of the Land Customs Act, 1924, and the Government of India, Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7-12-55 issued under Section 3 of the Imports and Exports Control Act, 1947, and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of C. Ex. and Land Customs, Goa Frontier Division, Belgaum, why the abovementioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and the containers under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the abovementioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b) 10-133/59.]

S. O. 1219—Whereas it appears that the marginally noted goods which were seized by the

Press studs 34 bundles 405
Gross

Inspector, C. E. Chirekhani, at a place in the jurisdiction of Angadi Hospital, in the vicinity of the Indo Goa-border on 17-2-1959 were imported by Land from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924, and the Government of India) Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7-12-1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of C. Ex., and Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and the containers under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i)(c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-186/59]

S. O. 1220.—Whereas it appears that the marginally noted goods which were seized by the Inspector, C. B. Chikhli, at a place known as Nanyacha

	B.Mds.	Srs.	Pawanda in the vicinity of the Indo-Goa border on
1. Betelnuts	4	0	17-2-59, were imported by Land from Goa (Portu-
2. White Horse whisky,	18 Btls.		guese Possessions in India) in contravention of Section

5(1) of the Land Customs Act, 1924, and the Govern-
ment of India, Ministry of Commerce and Industries import Control Order No. 17/55 dated 7-12-1955 issued under Section 3 of the Imports and Exports Control Act, 1947, and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item Nos. 1 and 2 noted in the margin).

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878 and the containers under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i)(c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-155/59]

E. R. SRIKANTIA,
Asstt. Collector

OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE, PONDICHERRY

CENTRAL EXCISE

Pondicherry, the 19th May 1959

S.O.1221.—In exercise of the powers conferred by Rule 5 of the Central Excise Rules, 1944, I hereby empower the Superintendent of Central Excise, Pondicherry to exercise within his jurisdiction the powers of Collector conferred by rule 212 of the Central Excise Rules, 1944 to direct destruction of confiscated tobacco only subject to the condition that the weight of the tobacco to be destroyed does not exceed 25 standard maunds in each individual case.

(This notification is issued in lieu of this Office Central Excise Notification No. 3/59, dated the 1st April, 1959.)

[No. 3/59 (Revised).]

S.O. 1222.—In exercise of the powers conferred by Rule 233 of the Central Excise Rules, 1944, I hereby empower the Deputy Superintendents of Central Excise, Pondicherry Collectorate to order clearances of all varieties of tobacco for agricultural purposes or for destruction subject to the condition that the quantity in each individual case does not exceed 10 standard maunds. This is without prejudice to the powers of the Inspectors of Central Excise in respect of clearances of sweepings or of stalks or butts or of stems upto five standard maunds at a time of Agricultural purposes, or for destruction, whether from Curers' premises, Curers' private bonded storeroom or from warehouses.

(This notification is issued in lieu of this Office Notification No. 59/59, dated the 7th April, 1959).

[No. 5/59 (Revised).]

A. J. B. LOBO, Collector.

MINISTRY OF COMMERCE AND INDUSTRY*Bombay, the 20th September 1958*

S.O. 1223.—In pursuance of sub-clause (2) of clause 14B of the Cotton Control Order, 1955, I hereby make the following further amendment in the Ministry of Commerce and Industry notification No. S.R.O. 1415 dated the 30th April, 1957:—

In the said notification, in paragraph 2, for sub-paragraph (vi) the following shall be substituted, namely:—

“(vi) All actual costs and charges incurred on despatch of samples and any other incidental charges including charges for survey payable to the Committee, shall be borne by the applicant. The survey charges shall not exceed Rs. 16 for every 50 bales or part thereof.”

(Sd.) D. S. JOSHI,
Textile Commissioner.

[No. 24(26)-TEX(A)/57.]

V. V. NENE, Under Secy.

New Delhi, the 20th May 1959

S.O. 1224.—In exercise of the powers conferred by Section 5-B of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942), the Central Government hereby makes the following amendment be made in the notification of the Government of India in the Ministry of Commerce and Industry No. 4(4)-Tex(C)/57, dated the 25th February, 1958, namely:—

In the said notification, for the words “Director of Handlooms”, the words and bracket “Joint Director of Industries and Commerce (Handloom)” shall be substituted.

[No. 4(4)-Tex(C)/57.]

M. S. SADASIVAN, Under Secy.

New Delhi, the 30th May 1959

S.O. 1225.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Om Oils and Oilseeds Exchange Ltd., Delhi, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Exchange for the period from the 1st June 1959 upto the 15th April, 1961 both days inclusive, in respect of forward contracts in groundnut oil.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(9)-TMP/FMC/59.]

H. S. SAHNI, Under Secy.

ORDERS*New Delhi, the 23rd May 1959*

S.O. 1226/IDRA/6/10/Am(1).—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri Kantilal Shah, Secretary, Gujarat I.N.T.U.C., Saurashtra Branch, Sanatorium-Rajkot, as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry S.O. 953, dated the 24th April, 1959, for the scheduled industries engaged in the manufacture or production of Alkalis and

allied industries, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order after entry No. 8 relating to Shri Sukh Chain Lal Jain, the following entry shall be inserted, namely:—

“8A. Shri Kentilal Shah, Secretary, Persons employed in industrial Member”
Gujarat I.N.T.U.C. Saurashtra undertakings.
Branch Sanatorium-Rajkot.

[No. 4(5)IA(II)(G)/59.]

S.O. 1227/IDRA/6/16/Am.(1).—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following amendments in S.O. 758, dated the 4th April, 1959; establishing a Development Council for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries and Transport Vehicle Industries:—

(a) in the entries against the category of members “being persons who, in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said scheduled industries” after entry No. 9 relating to Shri Krishna Narain, the following entries shall be inserted, namely:—

“9A. Shri S. Moolgaokar, Director-in-charge, Telco., Tata Locomotive & Engineering Co. Ltd., Bombay House, 24, Bruce Street, Fort, Bombay-1.

9B. Shri Lalchand Hirachand, The Premier Automobiles Ltd., Agra Road, Kurla-Bombay-37.

9C. Shri K. D. Churiwal, Hindustan Motors Ltd., 8, India Exchange Place, Calcutta-1.

9D. Mr. A. E. L. Collins, Managing Director, Ashok Leyland Ltd., Bank of Mysore Buildings, N. S. C. Bose Road, Madras-1.

9E. Shri B. R. Sule, Chief Engineer, Mahindra & Mahindra Ltd., Gateway Building, Apollo Bunder, Bombay-1.

9F. Shri K. V. Srinivasan, Standard Motor Products of India Ltd., 29, Mount Road, Madras-2.”

(b) in the entries against the category of “persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries”, after entry No. 15 relating to Shri N. T. Gopala Iengar, the following entry shall be inserted, namely:—

“15A. Shri Duleep Singh, Deputy Technical Director, National Productivity Council, 38, Golf Links, New Delhi.”

[No. 4(17)IA(II)(G)/59.]

CORRIGENDUM

New Delhi, the 25th May 1959

S.O. 1228.—In the Ministry of Commerce and Industry Order S.O. 953, dated the 24th April, 1959, published in the Gazette of India Part II—Section 3 sub-section (ii) dated the 2nd May, 1959:—

For “1. Shri C.R. Rao, General Manager, Owners of industrial undertakings Chairman”.
Tata Chemicals Ltd., Bombay
House, Bruce Street, Fort
Bombay—1.

Read “1. Shri C.R. Rao, Technical Director, Owners of industrial undertakings Chairman”.
Tata Chemicals Ltd., Bombay
House, Bruce Street, Fort,
Bombay—1.

[No. 4(5)IA(II)(G)/59.]

A. K. CHAKRAVARTI, Under Secy.

ORDER

New Delhi, the 25th May 1959

S.O. 1229/IDRA/18A/1/59.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri A. L. Datta, Zonal Manager, Eastern Zone, Life Insurance Corporation as a member of the Board of Management of M/s. Jessop and Co. in place of Shri S. D. Srinivasan of the Life Insurance Corporation of India, and makes the following amendment in the notification of the Government of India in the Ministry of Commerce and Industry, S.O. No. 867 dated the 15th May, 1958, namely:—

Amendment

In the said notification, for item (4), the following item shall be substituted, namely:—

“(4) Shri A. L. Dutta, Zonal Manager, Eastern Zone, Life Insurance Corporation of India.”

[No. 9(14)/IA/IG/58-II.]

K. C. MADAPPA, Dy. Secy.

(Indian Standards Institution)*New Delhi, the 18th May 1959 / 28th Vaisakha 1881 (Saka)*

S.O. 1230.—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips, particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Sl. No.	No. and title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
1	IS : 985-1958 Specification for Lead Acid Storage Batteries (Heavy Duty) for Motor Vehicles.	S.O. 856 dated 25th April, 1959.	<p>(a) At page 2, clause 0.7, line 2, please delete the word 'to' appearing after 'relating'.</p> <p>(b) At page 8, clause 6.17, chart 'SEQUENCE OF TESTS' please substitute the following forbox containing the words 'Test for 20-hour Capacity on All Samples':</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> Test for 10-Hour Capacity on All Samples </div>
2	IS : 1280-1958 Specification for Foundry Moulding Boxes.	S.O. 459 dated 28th February, 1959.	<p>(a) At page 3, line 2 of asteris note under Table I, please read '160' for '150'.</p> <p>(b) At page 5, table under item A-1</p> <p>(i) under column 'SIZE IN MILLIMETRES' please read '160' for '150', and</p> <p>(ii) under column 'Equivalent in Inches' please read '6.3' for '5.9'.</p>

Copies of these errata slips are available, free of cost, with the Indian Standards Institution 'Manak Bhavan', 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 40/40A Cawasji Patel Street, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 2/21 First Line Beach, Madras-1.

S.O. 1231.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 16th April to 15th May, 1959.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS 908-1958 Specification for Fire Hydrant, Stand Post Type.	..	This standard lays down the requirements regarding materials, shape and dimensions, construction and test for fire hydrant, stand post type, used for taking water from underground pipe line for— (a) fire fighting purposes, (b) cleaning purposes, and (c) serving as an outlet for flushing water mains (Price Rs. 1.50 nP.)
2	IS : 915-1958 Specification for One-Mark Graduated Flasks.	..	This standard prescribes the requirements and the methods of test for one-mark graduated flasks, which are used for preparing solutions of known strengths. (Price Rs. 1.50 nP.)
3	IS : 917-1958 Specification for Activated Calcium Carbonate for Rubber Industry.	..	This standard prescribes the requirements and methods of sampling and test for activated calcium carbonate, intended for use in the rubber industry (Price Rs. 2.00).
4	IS : 959-1958 Specification for Electric Soldering Irons.	..	This standard covers the requirements and tests for electric soldering irons suitable for use on direct or alternating current circuits of voltages not exceeding 250 volts (Price Rs. 1.50).
5	IS : 960-1958 Specification for Bicycle Rim Tapes and Buckles.	..	This standard covers the requirements for cotton and rayon bicycle rim tapes and buckles (Price Re. 1.00)
6	IS : 1136-1958 Preferred Sizes for Wrought Metal Products.	..	This standard specifies preferred sizes, in millimetres, for wrought metal products (Price Re. 1.00).

(1)	(2)	(3)	(4)
7	IS : 1231-1958 Dimensions of Three-Phase Induction Motors.	..	This standard prescribes the dimensions for foot-mounted, 3-Phase, 50 cycles, AC, squirrel cage motors, of axle heights, ranging from 112 mm to 280 mm, intended for general purpose applications and having screen-protected and /or drip-proof construction. This standard also specifies the standard nominal outputs for different frame sizes on the basis of class 'A' insulation continuous maximum rating (Price Rs. 1.50).
8	IS : 1281-1958 Specification for Bicycle Cranks and Chain Wheels.	..	This standard covers the requirements for cranks and chain wheels intended for the chain drive and fitted on the centre axle of bicycles of two standard sizes, namely 22 in. and 24 in. (Price Re. 1.00).
9	IS : 1282-1958 Specification for Bicycle Cotter Pins, Washers and Nuts.	..	This standard covers the requirements for bicycle cotter pins, their washers (spring and flat) and nuts for two sizes of bicycles, namely 22 in. and 24 in. (Price Re. 1.00)
10	IS : 1283-1958 Specification for Bicycle Free Wheels.	..	This standard covers the requirements for free-wheels for two popular sizes of cycles, namely 22 in. and 24 in. (Price Re. 1.00).
11	IS : 1287-1958 Specification for Electric Toasters.	..	This standard covers the minimum requirements and tests for electric toasters meant for domestic use, having heating elements intended for operation on voltages not exceeding 250 volts AC or DC (Price Rs. 1.50).
12	IS : 1293-1958 Specification for Three-Pin Plugs and Socket-Outlets.	..	This standard covers the requirements and tests for three-pin (two-pole and earthing-pin) plugs and socket-outlets (excluding flush-type) suitable for use on AC and DC circuits having voltages upto 250 volts (Price Rs. 2.00).
13	IS : 1294-1958 Specification for Bobbins for Sewing Machines.	..	This standard covers the requirements for two sizes of bobbins, namely Size 1 and Size 2, for sewing machines of the so-called household pattern. It does not cover bobbins for sewing machines for industrial & special purposes (Price Re. 1.00).

(1)	(2)	(3)	(4)
14	IS : 1299-1958 Method for Determination of Dimensional Changes on Washing of Fabrics Woven from Rayon and Synthetic Fibres not Liable to Felting.	..	This standard prescribes a method for determination of dimensional changes on washing of fabrics woven from rayon or synthetic fibres or their mixture (Price Rs. 1.50).
15	IS : 1311-1958 Specification for Ethylene Dibromide.	..	This standard prescribes the requirements and the methods of test for ethylene dibromide, intended for use as a fumigant (Price Rs. 2.00).

Copies of these Indian Standards are available for sale with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 40/40A Cawasji Patel Street, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 (iii) 2/21 First Line Beach, Madras-1.

[No. MDC/11(4)]

C. N. MODAWAL,
Deputy Director (Marks).

ERRATA

In the Ministry of Commerce and Industry (Indian Standards Institution) Notifications detailed below, published in the Gazette of India, Part II, Section 3—Sub-Section (ii) please make the following alterations :—

Notification No. & Date	S.O. No. & Date of the Gazette	Sl. No. in the Schedule	Column No. in the Schedule	For	Read
MDC/11(10) dated 4-3-1959.	568 dated 14-3-1959	1	4	8N(A--20BC)	8N(A--20BC)
MDC/11(6) 5-3-1959.	569 dated 14-3-1959	1	4 Lines 7 & 8	containing 1 on of Drawing Ink	containing 1 oz of Drawing Ink
MDC/11(2) 1-4-1959 Do.	808 dated 18-4-1959 Do.	40 57	3 3	Water IS : 1279-1957	Matter IS : 1279-1958

MINISTRY OF STEEL MINES AND FUEL

(Department of Mines and Fuel)

New Delhi, the 21st May 1959

S. O. 1232 In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952) the Central Government hereby rescinds the notification of the Government of India in the late Ministry of Production, No. S.R.O. 2365 dated the 12th July, 1954.

2. It is hereby notified for general information that the Coal Board now consists of the following persons who have been appointed by the Central Government as Chairman and members thereof with effect from the respective dates shown against each, namely :—

Date of appointment

- | | | |
|---|----------|--|
| 1. Shri A. Zaman, ICS, Coal Controller | Chairman | 3-1-1959 (A.N.) |
| 2. Shri S. S. Grewal, Chief Inspector of Mines | Member | 2-4-1954 (re-appointed w.e.f. 2-4-1959.) |
| 3. Shri B. K. Ghosh, Deputy Coal Controller, (Production). | Member | 22-4-1958. |
| 4. Shri S. G. Krishnan, Chief Mining Adviser, Eastern Railway, Dhanbad. | Member | 28-4-1959. |
| 5. Shri S. Mukherjee, Chief Mining Engineer, Coal Board. | Member | 21-12-1957. |

[No. C5-1(9)/59]

P. N. DHIR, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 16th May 1959

S.O. 1233.—In pursuance of the provisions of sub-section (d) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby renominate Dr. P. Krishna Kymal, Technical Adviser, Ministry of Food and Agriculture (Deptt. of Food), New Delhi, as a member of the Indian Central Oilseeds Committee, for a period of three years with effect from the 1st April, 1959.

[No. 6-2/56-Com.I/II.]

AJUDHIA PRASADA, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 19th May 1959

S.O. 1234.—In pursuance of the provisions of clause (3) of section 3 of the Indian Ports Act, 1908 (15 of 1908), the Central Government hereby authorises Shri Ahmed Mohamed Mulla, Chief Officer of the Scindia Steam Navigation Company Coasting Steamers, to pilot vessels in the Port of Bombay subject to the restrictions laid down in part XII of the Bombay Port Trust Pilotage by Laws.

[No. 8-PG(37)/59.]

MISS I. INDIRA, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 16th May 1959

S.O. 1235.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following further amendment in the Supplementary Rules issued with the Government of India, Finance Department letter No. 104-CSR., dated the 4th February, 1922, namely:—

Amendment

In part VIII of the said rules, in Division XXVI-B, in sub-rule (2) of Supplementary Rule 317-B-13, for the words "shall not be entitled to retain the residence

for more than two months", the words "shall, if the residence is required for the occupation of, and is in fact occupied by, his family after his transfer, be entitled to retain the residence for a period not exceeding two months", shall be substituted.

[No 3/31/58-Acc/I]

S.O. 1236.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following further amendment in the Special Accommodation Rules, 1950, issued with the notification of the Government of India in the late Ministry of Works, Mines and Power No WIV-15(3)/III, dated the 19th January, 1950, namely:—

Amendment

In sub-rule (2) of rule 17 of the said rules, for the words "shall not be entitled to retain the residence for more than two months", the words "shall, if the residence is required for the occupation of, and is in fact occupied by, his family after his transfer, be entitled to retain the residence for a period not exceeding two months", shall be substituted

[No 3/31/58-Acc/II]

R C MEHRA, Under Secy

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 19th May 1959

S.O. 1237.—In exercise of the powers conferred by sub section (1) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Nawal Kishore Tandon as Assistant Settlement Officer, for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office

[No 8/212/59-Admn(Reg)]

New Delhi, the 25th May 1959

S.O. 1238.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Choudhry Jhanda Singh, Assistant Settlement Commissioner and Shri M N Kaul, R A S, Sub-Divisional Officer, Rajgarh, who have been appointed Enquiry Officers for the Rehabilitation of Non Meo Muslims of Alwar and Bharatpur as *Ex-officio* Deputy Custodians of Evacuee Property for the purpose of discharging the duties assigned to the Custodian of Evacuee Property by or under the said Act

The Headquarters of Shri Jhanda Singh will be at Jaipur and that of Shri Kaul at Alwar

This Office notification of even number dated the 28th/30th March, 1959, is hereby cancelled

[No 16(24)-Admn(Prop)/58]

S.O. 1239.—In exercise of the powers conferred by Clause (a) of Sub Section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act No 44 of 1954, the Central Government hereby appoints Shri Des Raj Singh for the time being holding the post of Land Allotment Officer under the Regional Settlement Commissioner, Delhi as Managing Officer, for the Custody, Management and Disposal of Compensation pool, with effect from the date he took charge of his office

[No 4(43)-Admn(Prop)/58]

S.O. 1240.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri Des Raj Singh for the time being

holding the post of Land Allotment Officer under the Regional Settlement Commissioner, Delhi as Assistant Custodian of Evacuee Property for the purpose of discharging the duties assigned to the Custodian of Evacuee Property by or under the said Act with effect from the date he took charge of his office.

[No. 4(43)-Admn(Prop)/58.]

S.O. 1241.—In exercise of the powers conferred by Clause (a) of Sub-section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act, No. 44 of 1954, the Central Government hereby appoints each of the following Officers for the time being holding the post of Revenue Assistant/Compensation Officer in Himachal Pradesh Administration as Managing Officer for the Custody, Management and Disposal of Compensation pool for the districts shown against each:—

1. Shri Surat Ram Mahantan, Compensation Officer—Managing Officer for Mandi District.
2. Shri Hardyal, Revenue Assistant—Managing Officer for Mahasu District.
3. Shri Surat Singh, Revenue Assistant—Managing Officer for Bilaspur District.
4. Shri Jwala Parshad, Revenue Assistant—Managing Officer for Chamba District.
5. Shri Swarupa Nand, Revenue Assistant—Managing Officer, for Sirmur District.

This supersedes this Ministry's Notification of even number dated the 6th January, 1959.

[No. 16(10)-Admn(Prop)/58.]

CORRIGENDUM

New Delhi, the 25th May 1959

S.O. 1242.—In this Ministry's Notification No. P/F14(1)-Admn(Prop)/58 dated 5th January 1959,

For the words "Additional Custodian, Jullundur" occurring in the said notification, the words "Additional Custodian for the State of Punjab" may be substituted.

[No. P/F 14(1)-Admn(Prop)/58.]

RAJA LAL GUPTA, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th May 1959

S.O. 1243.—The Government of Uttar Pradesh, being one of the State Governments specified by the Central Government for the purpose of paragraph 3(1)(c) of the Employees' Provident Funds Scheme, 1952 and having nominated Shri S. P. Areen, I.A.S., Labour Commissioner, Uttar Pradesh, Post Box No. 220, Kanpur, on the Board of Trustees constituted under the said Scheme, in the place of Shri Uma Shanker, I.A.S., who has gone abroad, the following further amendment is made in the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1861 dated the 31st October, 1952, relating to the constitution of the Board, namely:—

In the said notification, for the entry "8. Shri Uma Shanker, I.A.S., Labour Commissioner, Uttar Pradesh, Post Box No. 220, Kanpur", the entry "8. Shri S. P. Areen, I.A.S., Labour Commissioner, Uttar Pradesh, Post Box No. 220, Kanpur" shall be substituted.

2. This notification shall be deemed to have come into force on the 30th day of March, 1959.

[F. No. P.F.II/1(3)/58.]

New Delhi, the 21st May 1959

S.O. 1244.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952) became applicable with effect from the 31st July, 1956, to three factories at Shamnagar (West Bengal), Tiruchirappalli (Madras) and Ghaziabad (District Meerut) and with effect from the 30th September 1956, to one factory at Calcutta of Messrs. Hindustan Lever Ltd. of Haji Bunder, Scwree, Bombay-15, there was in existence a provident fund common to the employees employed in the factories to which the said Act applies, and the employees in their other establishments specified in the Schedule hereto annexed:

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid establishments.

SCHEDULE

1. Messrs. Hindustan Lever Ltd., Scindia House, Ballard Estate, Bombay-1.
2. Messrs. Hindustan Lever Ltd., 4, Lyons Range, New India Assurance Building, Calcutta-1.
3. Messrs. Hindustan Lever Ltd., Lever House, 12/1, Ajmeri Gate Scheme, Delhi.
4. Messrs. Hindustan Lever Ltd., 11/14, Armeniun Street, Madras.
5. Messrs. Hindustan Lever Ltd., Mattancherry Main Road, Mattancherry Post, Cocnin.
6. Messrs. Hindustan Lever Ltd., 2, Central Street, Bangalore Cantt.
7. Messrs. Hindustan Lever Ltd., Lintas Ltd., Khetan Bhuvan, Churchgate Reclamation, Bombay.

[No. PF.II-7(13)59.]

P. D. GAHIA, Under Secy.

New Delhi, the 20th May 1959

S.O. 1245.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Begonia Colliery, P.O. Barakar, District Burdwan and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

Reference No. 56 of 1958

Parties:

Employers in relation to the Begonia Colliery, P.O. Barakar, Burdwan Distt.

AND

Their workmen

Dhanbad, dated the 8th May 1959

PRESENT

Shri Salim M. Merchant, B.A., LL.B., Chairman.

Appearances:

Shri Mohit Kumar Mukherjee, Advocate, with Shri N. P. Sinha, Secretary, Begonia Branch of the Colliery Mazdoor Congress, for the workmen.

Shri D. Narsingh, Advocate, with Shri A. B. Shah, Manager, for the employers.

STATE: West Bengal

INDUSTRY: COAL

AWARD

The Government of India, Ministry of Labour & Employment, by its order No. LR.II-1(64)7/58, dated the 13th October 1958, made in exercise of the powers

conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above-named in respect of the subject matters specified in the following schedule to the said Order:

"Whether the management is justified in depriving the miners' sirdars of their commission by putting their men under 'sirkari' and if not, what relief they are entitled to."

2. After the usual notices were issued, the General Secretary of the Colliery Mazdoor Congress (hereinafter referred to as the Union) filed its written statement of claim on 17th November 1958 and the management filed its written statement in reply on 12th December 1958 after which the hearing was fixed at Calcutta on 2nd January 1959, but at the instance of the parties adjournments were granted to enable the representatives of the Union to have inspection of certain records with the management which they desired to see. The hearing, thereafter, concluded before me at Dhanbad on 10th March 1959.

3. Before dealing with the legal objections urged on behalf of the employers and the dispute on its merits, it is necessary to give a brief account of the events which have led up to this Reference.

4. The dispute relates to the payment of certain commission to miners' sirdars of this colliery. According to the Union there are 16 miners' sirdars, but according to the management the number of miners sirdars had varied from time to time between 21 and 15. In its written statement the Company has stated that at present there were 15 miners sirdars but at the hearing it was stated that there were 14 miners sirdars. It is admitted that a majority of these miners' sirdars work in this colliery as miners, but some 3 or 4 of them are employed in other categories, such as Trammer's, Sirdar, Bunker Khalasis and one is a Kamin. According to the Union, the miners' sirdars are themselves miners in the service of the Company but they do an additional duty, namely, of maintaining the full strength of the gang of miners under them and also supervise the work of the miners in their respective gangs. The wages of the miners' sirdars are made up of such wages as are paid to them as miners plus a commission at the rate of one anna and $1\frac{1}{2}$ pies i.e. 13½ pies per each tub of coal raised by the gang of miners, under each mining sirdar.

5. It appears that at the end of 1956, a dispute arose between the Union, which represents the workmen of this colliery, and the management. According to the Union, the management had attempted to reduce the number of miners under the mining sirdars under the pretext of surplusage. The dispute was settled on terms recorded in the management's letter dated 23rd January 1957 (Annexure A to the Union's Statement of claim) addressed to the General Secretary of the Union. The paragraphs of that letter material for the purposes of this dispute are, paragraphs 2, 3, 4 and 5 which are as follows:

"2. We agreed that miners will go for work as per list and in future if anybody goes away, his name will be deleted from the Muster Roll and in his place no miner will be taken till miners' strength in each shift is reduced to 140 including Gorakhpuri labour.

3. When the miners will be reduced than the above strength, we will inform the miners Sirdars to bring more miners if required within certain stipulated time.

4. In case if they failed to bring the miners, then any other alternative arrangement can be made to fill the vacancy of the said miners.

5. When the miners' sirdars who cannot bring the miners when they have been told to bring the miners will lose the chance and they will not be able to fill the vacancy afterwards."

6. According to the Union, the management did not fulfil this agreement and throughout 1957 it pursued a policy of under-mining the position of miners' sirdars with a view to eliminate them altogether from the mine; that the management exerted wrongful pressure against the miners to disown their sirdars and get them to work without the supervision of the sirdars and as the miners refused to submit to such pressure many of them were refused work on various false charges and allegations; that this conduct on the part of the management cause a great deal of resentment amongst the miners as well as among their sirdars which led to stoppage of work in the mine on 10th and 11th January, 1958. According to the Union work was resumed on the basis of mutual understanding that all the miners who had been refused work would be allowed to resume work but the owners did not put them back in the gangs under the miners' sirdars under whom they were working but

made them work under 'sarkari' by which term is meant that they were made to work under the direct supervision of the management's other supervisory staff and not under the miners' sirdars. When put under 'sarkari' i.e. under the direct supervision of the management's other supervisory staff, the miners' sirdars were not paid any commission on the tubs of coal raised by these miners.

7. It is admitted that the 'sarkari' system was first started in January 1958 after the strike in that month. According to the Union, the 'sarkari' system was steadily extended by the management and the gangs of the miners' sirdars were correspondingly depleted by the transfer of the miners from the sirdars' gangs to the 'sarkari' list, which reduced the amount of commission which they earned. The Union has urged that the introduction of the 'sarkari' system in 1958 constituted:

- (1) changes in the existing rules of discipline as well as changes in the condition of service of the miners' sirdars in respect of their wages, and
- (2) the said system also constituted a withdrawal of the customary privileges from both the miners and their sirdars and change in the existing usage.

The Union has, therefore, argued that the management was obliged before making the change to give notice under section 9-A of the Industrial Disputes Act, 1947 and that as no such notice was in fact given the 'sarkari' system was illegal and should not be directed to be discontinued. According to the Union, the miners' sirdars have been seriously prejudiced and had suffered severe loss in earnings by this illegal introduction of the 'sarkari' system. They have, therefore, prayed that the 'sarkari' system should be abolished or alternately the sirdars should be adequately compensated for the loss in earning resulting from the reduction in the strength of their gangs by the payment of a monthly sum equivalent to the monthly commission earnings of the sirdars calculated on the basis of the year 1956 or any of the years that the Tribunal may fix.

8. The management in its written statement has contended that the dispute referred to the Tribunal by Government is not an industrial dispute and this Tribunal has no jurisdiction to entertain the same. The two grounds urged in support of this contention are: (1) that what the miners' sirdars are paid in addition to their wages as miners is commission as recruiters of miners required by the management and that therefore for that work they are contractors and their dispute with the management is not an industrial dispute and (2) that the miners recruited by the miners' sirdars as also other miners directly appointed by the management are all workmen of the management and are not in any way affected or concerned with the dispute referred to this Tribunal, since, neither their wages nor any condition of their service have been in any way altered.

9. On the merits the management's contention is that the commission paid to the miners' sirdars is not for supervising the work of the miners but a recruiting commission which varies with the output given by these miners, the number of which is never fixed and which varies with the requirements of the management. The management's contention is that the commission paid to the miners' sirdars in the capacity of recruiting contractor is not wages. With regard to the strike of 10th and 11th January 1958 the management has stated that the same had no relation whatever with the alleged grievances of the miners or miners' sirdars but arose out of the charge sheets issued by the management to two miners for assaulting another workman. It has denied the "mutual understanding" alleged by the Union for the withdrawal of the strike. On the question of the 'sarkari' system the management has stated that the miners who were in the miners' sirdars gangs and whose services were never terminated were transferred to 'sarkari' system after the strike, were so taken on their own representation; that certain other miners directly employed by the management were also placed under 'sarkari' and that the introduction of the 'sarkari' system was not the cause of the strike. It is stated by the Company that after the strike a large number of miners working under the different miners sirdars concerned expressed to it in writing their resentment against the sirdars concerned and did not wish to continue to work with the sirdars and therefore they were taken under the 'sarkari' system and that the management did not at any time force any miner under 'sarkari'. According to the management, besides those miners who are taken under 'sarkari' at their own request, the other miners under 'sarkari' are those who have been directly employed or re-employed by the management. The management has denied that there has been any breach of section 9-A of the Industrial Disputes Act, 1947 and it has argued

that that section has no application. The Company has therefore, submitted that the demand for the abolition of the 'sarkari' system was unjustified and not maintainable. It has also denied its liability for the alternative demand for compensation, which it has characterised as being speculation.

10. It is admitted that the 'sarkari' system was introduced in the colliery only in January 1958 and prior to that miners were either those recruited by the miners' sirdars and working in their gangs or were Gorakhpuri labour recruited through the C.R.O. At the hearing on 20th February 1958 the management stated that at present there were about 170 miners under 'sarkari' of these 30 (as shown in Exhibit 1) admittedly belonged to the gangs of the different miners' sirdars named in the statement by whom they were originally recruited and they were taken over to 'sarkari' on different dates after January 1958. It is further admitted in respect of these 30 miners that they have been continuously in service and there had never been any break in their service in the colliery. The Company's case, however, is that these miners were taken over to sarkari on their own application. The Company has filed a list of 26 other miners (Exhibit E/2) who admittedly were recruited by the miners' sirdars shown in that list and were working under their respective miner's sirdars but who had either left service or their services were terminated by the management, but they were re-employed on different dates after January 1958 and were not put under the miners' sirdars, but under sarkari. The company has also in its statement (Ext. E/2) filed a statement of some 17 miners who were appointed in sarkari at the request of Sarvashri Jha and Sinha belonging to the Union.

11. The remaining about 110 miners are direct employees who were never employed before. In addition to these, the company employs about 130 Gorakhpuri labour (C.R.O.) who, as stated earlier, were employed even before the introduction of the sarkari system. According to the management there are even today about 190 to 200 miners under the miners sirdars.

12. I shall now deal with the first legal contention urged by the management. It has been urged by Shri D. Narsingh, the learned Advocate for the Company, that what has been referred to this Tribunal is not an industrial dispute as defined by section 2(k) of the Act. According to him this dispute is one for payment of commission to Recruiting Contractors, in which the workmen of this colliery are not interested. His whole case is based on the argument that these miners sirdars are paid Commission surely as recruiting contractors. According to him their contract is for service and not of service and does not make these miner's sirdars workmen and for this distinction he has relied upon the observations of the Hon'ble Supreme Court in the case of Dharangadhra Chemical Works Ltd. and the State of Saurashtra (1957 II L.L.J. p. 477). But, Shri D. Narsingh overlooks the fundamental fact of difference and that is that the miners sirdars are themselves employees of the company, the majority of them being employed as miners and some are employed as Trammer's sirdar or Bunker Mazdoor. I am not satisfied that these miners sirdars are paid commission only as recruiting contractors for recruiting these miners. In the written statement of the company in several places there is a virtual admission—particularly in paragraphs 8 and 9 that these miners sirdars supervise the work of the miners under them and have to see that they give proper raisings as the commission paid to them is linked to the raisings of coal made by the miners of their gangs. The Union has filed a letter dated 1st February 1957 which was addressed by the management to Mining Sirdar Raghu Memro (Ex. W. B.) by which he was directed to supervise the work of 7 men under him. The Union has also filed circulars dated 2nd August 1957 (Ex. W.C.) and 3rd June 1958 (Ex. W-E) addressed by the Manager of the colliery which conclusively establish that the miners sirdars were supervising the work of the miners under them. These documents further clearly establish that it was with the collective effort of the miners and the miners' sirdars that the one hazree tub was made possible. Ex. W/D is a letter dated 10th October 1957 addressed by the Manager of the colliery to Darshan Singh who was then a Miner's sirdar, by which he was warned that his miners should not go against the law by robbing the coal. All these documents clearly establish that the miners sirdars were paid commission not because they were recruiting contractors but for supervising the work of the miners and for seeing to it that they give proper raisings. This commission is thus part of the wages earned by them for this additional work. Both parties have referred to several decisions relating to whether contractors' men are servants of the company. But it is not necessary to deal with those cases as these miners sirdars are themselves workmen employed in this colliery and the sirdarship is an appendage to their position as miners. They are not independent recruiting contractors who are paid this commission merely for recruiting miners.

13. I am also satisfied that the other miners are interested in this dispute. No doubt wages are in no way affected by the commission paid to the miners, sirdars, but in my opinion the introduction of the sarkari system has affected their conditions of work. In fact there is on record a notice dated 18th February 1958 (Ex. W/A) which was served by this Union on behalf of the workmen, the very first demand in which related to "the loss in earnings which the miners' sirdars are facing due to the transfer of some of their miners and such losses are arising from the commission which is lost by way of making their strength of the miners reduced." It is also clear from the various orders and circulars issued by the management from time to time upon both the miners and the mining sirdars that the existence of the miners sirdars also affects the condition of work of the miners and this is therefore a dispute in which they are also interested. For these reasons I reject the objection urged by the management and hold that this is a valid industrial dispute which concerns the payment of wages to the miners sirdars who are themselves workmen in this colliery and that the other miners are also interested and concerned in this dispute and therefore this is a valid reference and I have jurisdiction to entertain the same.

14. Now, it is urged by the Union that the introduction of the 'sarkari' system was illegal as it is in violation of section 9A of the Industrial Disputes Act, as the management had not given the notice of change as required by section 9A of the Industrial Disputes Act 1947. Section 9-A was introduced in the Industrial Disputes Act, 1947 by the Industrial Disputes (Amendment & Miscellaneous Provisions) Act, 1956 and what it provides is that no employer who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule of the Act, shall effect such change (a) without giving notice to the workmen likely to be affected by such change, a notice in the prescribed manner of the nature of the change proposed to be effected or (b) within 21 days of giving such notice. There is a proviso clause to the section, but with that we are not concerned. The Fourth Schedule to the Act contains a list of the conditions of service for change of which notice under section 9A has to be given. Item No. 1 of that Schedule is, "wages including the period and mode of payment" and item 8 is "withdrawal of any customary concessions or privilege or change in usage". Now, it is admitted that no such notice as is required by section 9-A was given when the management introduced the 'sarkari' system. Now, the argument of Shri M. M. Mukherjee, the learned Advocate for the Union was that the introduction of the 'sarkari' system was a change relating to the wages paid to the miners sirdars by way of commission, as also withdrawal of the customary concession or privilege or change in the usage. In that connection he has relied upon the company's letter dated 23rd January 1957 above referred to (Annexure to the union's written statement and Ex. W/G) and has argued that by that letter the company had put its stamp of approval on the privilege prevailing in the colliery of paying the miners' sirdars commission. He has argued that this privilege had ripened into custom and for that proposition he relied upon the decision of the Industrial Court, Bombay in the case of the Rajlakshmi Textiles vs. Surat Silk Mills Workers' Union (1958 II L.L.J. p. 522). In that case it was held that when from the opening of the factory, the workers were paid twice a month "Kharache amounts" for about 3 or 4 years, such payments would become a customary usage or privilege and stoppage of such payment would require a prior notice of change under a similar provision as contained in section 9A of the Industrial Disputes Act of the Bombay Industrial Relations Act 1946. In my opinion the contention urged by Shri Mukherjee is a mixed question of law and fact. It involves the construction of the company's letter of 23rd January 1957. Now, that letter has been shrewdly worded and contains certain clauses, which in my opinion do not establish that in all events the employers were only to employ miners through the miners' sirdars. No doubt the agreement provides for maintaining the strength of the miners at 140 per shift, but that is inclusive of Gorakhpuri labour. The management, has however relied upon clause (3) of the letter which states that, "when the miners would be reduced than the strength (140 miners per shift including Gorakhpuri) we will inform the miners' sirdars to bring more miners if required, within certain stipulated time." Thus the right to ask the miners' sirdars to replace the miners who would leave service was not an unfettered right. They are to be asked to bring more miners only if their number falls below the prescribed limit of 140 men per shift including Gorakhpuri labour, on which latter class of workmen it is admitted the miners' sirdars have no control as they are recruited by the C.R.O. organization. This agreement in my opinion does not establish the customary concession, privilege or usage as contemplated by item 8 of Schedule 4 of the Act, nor does it say that in no circumstances could the management employ miners directly. I therefore hold that the introduction of the sarkari system was not a change of the matters covered by item 8 of schedule 4.

15. What remains to be considered is whether it was a change which effects the wages of the miners sirdars i.e. whether the matter falls under item (1) of Schedule 4. I have held that the commission paid to the miners' sirdars was in reality wages for the work of supervising and maintaining the strength of the miners in their respective gangs. The Union was not at the hearing able to furnish the list of which of the miners under the various mining sirdars had been transferred to the sarkari list. The dispute referred to this Tribunal is "whether the management is justified in depriving the miners' sirdars of their commission by putting their men under sarkari". Shri D. Narsingh has laid emphasis on the words "their men" and he has argued that "their men" means the miners of the miners' sirdars as on the date of the reference and does not cover the miners who were already transferred to sarkari prior to the date of reference i.e. 13th October 1958. I do not accept this contention. Reading the reference in the light of the history of the dispute, there is no doubt that it is in respect of the transfer to 'sarkari' of such of the miners who were wrongfully or illegally put under 'sarkari'. But as I was stating, the Union has not filed any list of the number of the respective miners sirdars who have been transferred to sarkari in spite of every opportunity having been given to it to inspect the records in possession of the management. However, at the stage of arguments on 10th May 1959, the last date of hearing Shri M. M. Mukherjee, the learned Advocate of the Union filed an application for the production by the management of a statement duly attested containing a general result of the roll of the miners attached to the miners' sirdars taken under sarkari since 23rd January 1957 up to date. Shri D. Narsingh, learned Advocate for the employers opposed the application on the ground that all opportunity had by then been given to the workers representatives to inspect the records since 2nd January 1959, when the dispute was first boded for hearing. In fact, on 28th January 1959, the Union's representative passed a writing addressed to the Manager of the colliery stating that he had inspected the records to his complete satisfaction. I, therefore, by my Diary Order dated 10th March 1959 rejected this application of the Union. The Union has only relied upon the wage registers for the week ending 29th January 1957, which had been brought to court (Ex. W.1). That statement contains only the names of the miners sirdars and the miners who were working under them for the relevant week. We have thus not got any list from the Union of the miners who were transferred to sarkari.

16. Now the management has, as I have stated earlier, filed two lists of the miners who belonged to the miners sirdars gangs and who were transferred to sarkari and those lists are Ex. E/1 and Ex. E/2. Ex. E.1 contains the list of 30 miners, with the names of the miners sirdars under whom they were working. It also gives the dates when they joined service and the different dates, after January 1958, when each of them was transferred to sarkari. These miners were continuously in service, as admitted by the management in the heading to this statement since they were first employed and according to the management they were transferred to sarkari, on their own application. But the onus of proving this was on the management and the management has not led any evidence to discharge this onus. In respect of these 30 miners, I am satisfied that there would have been a notice of change under section 9A of the Act as their transfer to sarkari undoubtedly affected the commission which I have held was really additional wages paid to the miners sirdars. They were thus covered by Item No. I of the Fourth Schedule. In respect of these 30 miners shown in company's statement Exhibit 1, I would hold that their transfer to sarkari was illegal being in violation of section 9-A of the Act. Even on the merits, the transfer of these 30 miners to sarkari, must be held to be unjustified as they were admittedly in service throughout and the management has not been able to establish that their transfer was effected on their own applications.

17. Now, the only other statement of the miners transferred to sarkari is the statement Ex. E/2 filed by the management. That statement contains a list of 26 miners, with the names of their respective miners sirdars. The statement is headed as "the list of those miners who broke their services due to their long absence." The list contains the names of the miners sirdars under whom each of these 26 miners was originally employed, with the date of their original appointment, the date when they absented themselves and the date of their subsequent employment directly under sarkari. Ex. E/2 also contains as I have stated earlier, a list of 17 other miners who were recruited under sarkari at the request of the Union officials. I may state that these statements were not challenged by the Union and their formal proof was not insisted upon. In my opinion as the miners shown in Ex. E/2 had left service and had ceased to be employees of the company and were re-employed, the miners sirdars cannot claim that when re-employed they should have been put under their sardars. The Union has alleged that the management in a *mala fide* manner terminated their services. The onus of proving this was therefore upon the Union and as

the Union has failed to discharge this onus, I am not prepared to hold that in the case of the miners shown in the company's statement Ex. E/2 there was either a breach of section 9-A of the Act or that the management was not justified in taking them over in sarkari.

18. I would therefore, hold that the transfer to sarkari of the 30 miners shown in the company's statement Ex. E/1 was illegal as being in violation of section 9-A of the Act, and that their transfer to sarkari was also not justified on the merits.

19. In the result, on the first question under reference I hold that the management was not justified in depriving the miners sirdars of their commission only as far as they put the 30 miners mentioned in company's statement Ex. E/1, under sarkari.

20. The next question to consider is what relief, the miners sirdars are entitled to in respect of the said 30 miners. In the statement of claim the Union has claimed that a direction should be given that the 'sarkari' system should be abolished or in the alternative the sirdars should be adequately compensated for the loss in earnings resulting from the reduction in the strength of their gangs. As I have stated earlier, I am not satisfied that a case has been made out for a general direction for the abolition of the 'Sarkari' system. On the last date of hearing, on 10th March 1959, the learned advocate for the Union sought to modify the relief claimed in the written statement by asking that the employers may be directed that those of the workmen who were on roll on the company's register as attached to their respective sirdars as on 23rd January 1957 i.e. on the date of the agreement, but who are now on the roll of the company as sarkari be treated as attached to those respective sirdars and to pay their respective miners sirdars commission, they would have earned if these "sarkari" workmen were attached to them, till the direction is implemented *mutatis mutandis* on the basis of their earnings on that date. The management has opposed this amendment. This amendment in my opinion only clarifies the nature of the consequential relief that can be awarded in the dispute under reference, if it is held that the putting of any of the miners under sarkari was not justified.

21. I am of the opinion that the direction by way of relief to the miners sirdars can only be confined in respect of the 30 miners mentioned in the company's statement Ex. E/1. In my opinion the ends of justice would be satisfied if the transfer of these 30 miners to sarkari is directed to be cancelled from the respective dates each of these 30 miners was transferred to sarkari and they are directed to be treated as continuing under their respective sirdars, except such as of them as may have left service since the date they were transferred to sarkari and I direct accordingly. I further direct that each of the said 30 miners should be transferred back to their respective sirdar, as shown in the company's statement Ex. E/1, within one month from the date this award becomes enforceable. The result would be that the respective sirdars would be entitled to commission at the rate of 13½ pies per tub raised by each of these 30 miners from the date of their respective transfer to the sarkari system up to the date they are transferred back to their respective miners sirdars to whom they were attached. Some ready method of calculating the relief to be given to the respective miners sirdars in respect of the coal raised by these miners from the date of their transfer to sarkari to the date they are placed back in the gang of their respective miners sirdars will have to be found, as there is no record maintained of their raisings since they were transferred to sarkari. As there is material on the record to show that for each miner there was one Hazri tub per shift, I would direct that the respective sirdars of each of these 30 miners shall be paid commission at the rate of 13½ pies per each day of attendance put in by each of these 30 miners from the respective date he was transferred to sarkari till the date he is transferred back to the gang of his respective miner sardar.

22. As the workman have succeeded partially, I award Rs. 100 (one hundred) as costs to them.

SALIM M. MERCHANT.

Presiding Officer.

ORDERS

New Delhi, the 20th May 1959

S.O. 1246.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to M/s. Bikaner Gypsums Ltd., and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of the under mentioned workmen from service by the management of M/s. Bikaner Gypsums Ltd., Bikaner, was justified, and if not, to what relief these workmen are entitled:—

1. Shri R. C. Shukla, Chemist.
2. Shri B. N. Sharma, Clerk.
3. Shri Jagdish Ram, Sampler B.
4. Shri Satya Narain, Driver B.

[F. No. LR II/64(14)/58 Vol. II.]

New Delhi, the 25th May 1959

S.O. 1247.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the New Govindpur Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed.

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management was justified in treating Shri Guda Bowri, miner as a new entrant from the 1st December 1958. If not, to what relief is he entitled?

[F. No. LR II/2(72)59.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 21st May 1959

S.O. 1248.—In exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), the Central Government hereby constitutes for the State of Mysore a Mining Board consisting of:—

Chairman

Director, Department of Mines and Geology in Mysore, Bangalore, *ex-officio*.
[Nominated by the Central Government under clause (a) of section 12(1)].

Members

- (1) Regional Inspector of Mines, Oorgaum Inspection Region, *ex-officio*.
[Nominated by the Central Government under clause (b) of section 12(1)].
- (2) Shri S. Muniraju M.L.A., Chickballapur.
[Nominated by the Central Government under clause (c) of section 12(1)]

- (3) Shri V. M. Sundara Rajan, Superintendent, Kolar Gold Mining Undertakings (Nundydroog Mines), Oorgaum.

[Nominated by the Kolar Gold Mining Undertakings under clause (d) of section 12 (1)].

- (4) Shri R. B. Sharma, M/s. Jagannath Gupta & Co., C/o. Bombay Region Mine Owners Association, Londa.

[Nominated by the Bombay Region Mine Owners' Association under clause (d) of section 12(1)]

- (5) Shri V. M. Govindan, Secretary, Mysore Mine Workers Union, Marikuppam.

[Nominated by the Mysore Mines Workers' Union under clause (e) (ii) of section 12(1)].

- (6) Shri K. B. Thimmaiah, President, Nandydroog Mines Labourers' Association, Madian Building, Roberstonpet, Kolar Gold Field.

Nominated by the Bombay Region Mine Owners' Association under clause (d) of section 12(1)]

[No. MI-3(8)58.]

New Delhi, the 23rd May 1959

S.O. 1249.—In exercise of the powers conferred by section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the Bokharo Jharia Colliery owned by Messrs Agarwalla Bros., from the operation of sub-regulation (3) of regulation 130 of the Coal Mines Regulations, 1957, framed under section 57 of the said Act, up to the 31st July, 1959.

[No. MI-6(3)/59.]

New Delhi, the 26th May 1959

S.O. 1250.—In pursuance of the proviso to regulation 17 of the Coal Mines Regulations 1957, the Central Government hereby approves, for the purposes of the said regulation, the institutions mentioned in Column I of the table below in respect of such degrees, diplomas or certificates awarded by them as are specified in the corresponding entry in column II of the said table.

TABLE

I	II
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INDIA

(List of Institutions awarding Degree/Diploma in Mining)

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|---|---|
| 1. Any University in India, established by law | Degree in Mining. |
| 2. Bengal Engineering College, Sibpore | Diploma in Mining. |
| 3. Indian School of Mines & Applied Geology, Dhanbad | (1) Certificate of Coal Mining.
(2) Certificate of Metal Mining.
(3) Diploma of 'Associateship in Mining Engineering. |
| 4. Shri Jayachamarajendra Occupational Institute, Bangalore | Diploma in Mining. |
| 5. Central Board of Technical Examinations, Mysore. | Licenciate in Mining Engineering. |

(List of Institutions awarding Degree/Diploma in Civil Engineering)

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| 1. Any University in India established by law | Degree in Civil Engineering. |
| 2. All India Council of Technical Education | National Certificate in Civil Engineering. |
| 3. Ad-hoc Board of Engineering Education, U.P. | Overseer Diploma in Civil Engineering. |

I	II
<p>4. Bihar College of Engineering, Patna . . .</p> <p>5. Central Board of Technical Examination, Mysore . . .</p> <p>6. Civil Engineering School, Allahabad . . .</p> <p>7. College of Engineering, Guindy, Madras . . .</p> <p>8. College of Engineering, Poona . . .</p> <p>9. College of Engineering and Technology, Jadavpur . . .</p> <p>10. College of Military Engineering, Kirkee . . .</p> <p>11. Department of Technical Education, Bombay . . .</p> <p>12. Director-General of Resettlement and Employment (Ministry of Labour and Employment, Government of India) . . .</p> <p>13. Government Engineering School, Nagpur (Now known as Government Polytechnic, Nagpur University) . . .</p> <p>14. Government School of Engineering, Rasool . . .</p> <p>15. Hewitt Engineering School, Lucknow . . .</p> <p>16. Kalabhawan Technical Institute, Baroda, [Renamed as Faculty of Technology (including Engineering) M. S. University of Baroda] . . .</p> <p>17. Kalikata Shilpa Vidyalay . . .</p> <p>18. Mainamati Survey Institute, Tripura . . .</p> <p>19. M.B.M. Engineering College, Jodhpur . . .</p> <p>20. Murlidhar Gajananand Technical Institute, Hathras . . .</p> <p>21. Muslim University, Aligarh . . .</p> <p>22. Orissa School of Engineering, Cuttack . . .</p> <p>23. Osmania Engineering College, Hyderabad (Renamed as College of Engineering, Osmania University) . . .</p> <p>24. Osmania Technical College, Hyderabad (Renamed as Govt. Technical College, Hyderabad) . . .</p> <p>25. Overseer Examination Board (Bengal), (Before partition) . . .</p> <p>26. Punjab Government School of Engineering, Nilokheri (Previously at Kalsia then at Gurudaspur) . . .</p> <p>27. School of Engineering, Bangalore . . .</p> <p>28. State Board of Technical Education and Vocational Training, Bihar . . .</p> <p>29. State Council of Engineering and Technical Education, West Bengal . . .</p> <p>30. Technological Diploma Examination Board, Madras . . .</p> <p>31. Technological Diploma Examination Board, Andhra . . .</p> <p>32. Thomason Civil Engineering College, Roorkee (Renamed as University of Roorkee) . . .</p> <p>33. Tirhut School of Engineering, Muzaffarpur . . .</p>	<p>(1) Surveyor's Certificate. (2) Civil Engineering Subordinate Diploma.</p> <p>L.C.E.</p> <p>Overseer Certificate. Upper Subordinate Diploma; L.C.E. from 1942 to 1953. Civil Engineering Diploma Prior to 1950.</p> <p>Diploma of the Overseer Course. Overseers Buildings & Roads Course.</p> <p>Diploma in Civil Engineering.</p> <p>Surveyor's Diploma.</p> <p>(1) Surveyor's Certificate. (2) L.C.E. Overseership Certificate. Overseer Certificate (granted by the Department of Public Instruction from 1936 to 1944 and by the U.P. Government from 1945).</p> <p>Diploma in Civil Engineering. L.C.E. awarded by Ad-hoc Committee Provincial Council for Engineering and Technical Education, West Bengal. Survey Final Examination. Diploma in Civil Engineering.</p> <p>Surveyor's Examination. Diploma in Civil Engineering. (1) Surveyor's Certificate. (2) Civil Engineering Subordinate Diploma; L.C.E.</p> <p>Upper Subordinate (1st Class); Overseer Certificate from 1941.</p> <p>L.C.E.</p> <p>L.C.E.</p> <p>Overseer's Diploma in Civil Engineering from December, 1947. Diploma in Civil Engineering.</p> <p>Diploma in Civil Engineering, after a course of study lasting for 2½ years.</p> <p>L. C. E.</p> <p>L. C. E.</p> <p>L. C. E.</p> <p>Overseership. Subordinate Engineering Course in Civil Engineering from 1952.</p>

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| 34. Travancore University (renamed as Kerala University). | Diploma in Civil Engineering. |
| 35. Vishwakarma Polytechnic Institute (renamed as Ramgarhia Polytechnic), Phagwara | Diploma in Civil Engineering Overseer Course. |
| 36. West Bengal Survey Institute, Bandel. | Senior Surveyor's Certificate. |

FOREIGN

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| 1. Armstrong College, New-Castle-on-Tyne, U. K. | Diploma in Mining. |
| 2. Birmingham University, U. K. | Degree of B. Sc. in Mining and Diploma in Mining. |
| 3. California University, U. S. A. | Degree of Mining Engineering. |
| 4. Cambridge and Birmingham Universities, U. K. | Joint Coal Mining Diploma. |
| 5. Carnegie Institute of Technology, Pittsburgh, U. S. A. | Degree of Bachelor of Science in Mining Engineering. |
| 6. Colorado School of Mines, U. S. A. | Degree in Mining Engineering. |
| 7. Columbia University, New York, U. S. A. | Degree of Engineer of Mines. |
| 8. Durham University, U. K. | Degree of B. Sc. in Mining. |
| 9. Durham University, U. K. | Honours Degree of B. Sc. in Mining. |
| 10. Edinburgh University, U. K. | Degree of B. Sc. and D. Sc. in Mining and Metallurgy. |
| 11. Glasgow University, U. K. | Degree of B. Sc. in Mining Engineering. |
| 12. Glasgow University, U. K. | Certificate of Proficiency in Mining. |
| 13. Heriot Watt College Edinburgh, U. K. | Certificate in Mining Engineering. |
| 14. Harvard University, Cambridge, Massachusetts, U. S. A. | Diploma in Mining Engineering. |
| 15. Heriot Watt College Edinburgh, U. K. | Diploma in Mining Engineering. |
| 16. Leeds University, U. K. | Degree of B. Sc. in Mining and Diploma in Mining. |
| 17. London University, U. K. | B. Sc. Degree in Mining for Internal Students, subject to the Degree being endorsed by the University with a certificate of four months' practical experience in a mine. |
| 18. London University, U. K. | Degree of B. Sc. in Mining for External Students. |
| 19. Leland Stanford Junior University, California, U. S. A. | Degree of Bachelor of Arts in Geology and Mining. |
| 20. Manchester, Victoria University, U. K. | Degree and certificate in Mining. |
| 21. Nottingham University College, U. K. | Diploma of Mining Engineering. |
| 22. Oxford and Birmingham Universities U. K. | Diploma in Coal Mining which is granted by the two Universities jointly. |
| 23. Royal School of Mines, U. K. | Associateship in Mining. |
| 24. Pittsburgh University, U. S. A. | Degree of Engineer of Mines. |
| 25. Sheffield University, U. K. | Diploma in Mining. |
| 26. Sheffield University, U. K. | Degree of Bachelor of Engineering (Mining). |
| 27. University College of South Wales and Monmouthshire and the South Wales and Monmouthshire School of Mines, U. K. | Diploma which is granted by the two institutions (jointly). |
| 28. Wales, University of U. K. | Degree of B. Sc. in Mining Engineering. |
| 29. Wigam Mining and Technical College, U.K. | Diploma in Mining. |
| 30. Ashanulla School of Engineering, Dacca. | Sub-Overseer's Diploma; L. C. E. |
| 31. Government Technical Institute, Insein, Burma | Diploma in Civil Engineering. |
| 32. N.E.D. Engineering College, Karachi. | Diploma in Civil Engineering. |

ORDER

New Delhi, the 23rd May 1959

S. O. 1251—In exercise of the powers conferred by clause (xi) of sub-rule (2) of rule 21 of the Minimum Wages (Central) Rules, 1950, the Central Government hereby authorises in the ports specified in column (1) of the Table below, the officers specified in column (2) of that Table to accord approval to deductions under the said clause, in respect of the categories of employees specified in the corresponding entry in column (3) thereof.

TABLE

Name of Port	Designation of the Officer authorised to approve deductions	Categories of workers covered by the Minimum Wages Act, in respect of whom deductions are to be approved
1	2	3
Bombay	Chief Accountant	All Employees.
Calcutta] . . .	Chief Engineer	Employees in the Engineering Department.
	Deputy Conservator	Employees in the Deputy Conservator's Department.
	Chief Mechanical Engineer	Employees in the Chief Mechanical Engineer's Department.
	Traffic Manager	Employees in the Traffic Department
	Chief Medical Officer	Employees in the Medical Department.
	Chief Accountant and Financial Adviser	Employees in the Audit and Accounts Department.
	Land Manager	Employees in the Land Department
	Controller of Stores	Employees in the Stores Department
	Secretary	Employees in the Secretary's Department
Madras . . .	Chief Engineer	Employees in the Engineering Department
	Deputy Port Conservator	Employees in the Marine Department
	Traffic Manager	Employees in the Traffic Department
	Chief Accountant and Financial Adviser.	Employees in the Accounts Department
	Medical Officer	Employees in the Medical Department
	Secretary	Employees in the Secretary's Department
Cochin . . .	Administrative Officer	All employees
Vizagapatam	Port Administrative Officer	All employees

[No L.WI-I-2-(40)/58]

PYARE LAL GUPTA, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDERS

New Delhi, the 20th May 1959

S.O. 1252.—The Central Government hereby:

- (a) directs, in pursuance of the provisions of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O., 3805 dated the 26th December, 1955 and in modification of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 1128, dated the 9th May, 1959 that the Advisory Panel of the Board of Film Censors at Bombay shall consist of 33 members with immediate effect; and
- (b) appoints Shrimati Madalsa Shriman Narayan, as a member of the Advisory Panel of the said Board at Bombay with immediate effect in exercise of the powers conferred by sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958.

[No. 11/1/59-FC.]

New Delhi, the 21st May 1959

S.O. 1253.—The Central Government hereby:

- (a) directs, in pursuance of the provisions of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 3805, dated the 26th December, 1955 and in modification of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 1127, dated the 8th May, 1959 that the Advisory Panel of the Board of Film Censors at Madras shall consist of 35 members with immediate effect; and
- (b) appoints Shri V. S. Sankaran as a member of the Advisory Panel of the said Board at Madras with immediate effect in exercise of the powers conferred by sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958.

[No. F. 11/4/59-FC.]

D. R. KHANNA, Under Secy.